



Committee Manager : Carrie O'Connor (Ext 37614)

30 June 2016

## **DEVELOPMENT CONTROL COMMITTEE**

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton**, on **Wednesday 13 July 2016 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

**PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE**

**PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)**

## **A G E N D A**

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 15 June 2016 (attached).

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

6. VISIT BY THE SITE INSPECTION PANEL – AW/78/16/HH – WIDENING OF EXISTING DRIVE INCLUDING ALTERATIONS TO CROSS-OVER, ETC, 68 THE DRIVE, ALDWICK

This application had been deferred at the meeting on 15 June 2016 and the Committee is now requested to consider the report of the Site Inspection Panel.

7. TREE APPLICATIONS

There are no applications to consider.

8. \*PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **REVERSE ALPHABETICAL** order.

9. \*PLANNING APPEALS

To consider the attached report.

10. ARUN HORTICULTURE SECTOR: LOCAL DEVELOPMENT ORDER: RESPONSE TO STATUTORY CONSULTATION

Earlier this year the Committee considered a draft Local Development Order (LDO) for Horticultural development. The consultation took place during April and May and received a total of 102 representations. This report recommends changes to the draft LDO in response to those representations.

## Background Papers

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers :   Nikolas Antoniou   (Ext 37799)  
                          Neil Crowther       (Ext 37839)  
                          Daniel Vick         (Ext 37771)  
                          Juan Baeza         (Ext 37765)

Note: \*Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at [www.arun.gov.uk](http://www.arun.gov.uk).

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

15 June 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

[Note: Councillors Charles and Miss Rhodes were absent from the meeting during consideration of the matter referred to at Minute 49.]

Councillors Ambler, Ballard, Bence, Cooper, Haymes and Tyler were also present at the meeting.

39. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Oliver-Redgate.

40. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Bower declared a personal interest in Agenda Item 8, Site Inspection Visit re Planning Application EP/30/16/HH, as the site was on the same

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estate where he lived but he could not see it. He further stated that he had not attended the site visit and would take no part in any debate or vote on the matter.

Councillor Bower also declared a personal interest in Agenda Item 11, Planning Application BR/95/16/PL, as the matter was discussed in broad terms at a meeting of the Bognor Regis Regeneration Subcommittee held on 8 June 2016 and reserved his position. The Chairman also declared the same interest on behalf of herself and Councillors Maconachie, Brooks, Dillon, Hitchins and Charles.

Councillor Hitchins declared a personal interest in Agenda Item 11, Planning Application AW/93/16/HH as he had previously made his view known at the Joint Area Committee and he lived on the same estate. He stated that he would exclude himself from the meeting when the matter was considered.

Councillor Hitchins also reiterated his personal interest in Planning Application BR/95/16/PL as he had previously made his view known as Chairman of the Bognor Regis Regeneration Subcommittee. He stated that he would leave the meeting during its consideration.

41. MINUTES

The Minutes of the meeting held on 18 May 2016 were signed as a correct record.

42. PLANNING APPLICATION P/58/15/OUT, LAND AT SUMMER LANE, PAGHAM

The Chairman agreed that this matter could be considered as a matter of urgency as a decision was required of the Committee prior to its next meeting on 13 July 2016. An officer report update was circulated at the meeting which set out the detail.

Members were reminded that this application had been approved on 30 March 2016. However, the applicant was now requesting an extension to the time period for completion of the Section 106 Agreement and, following consideration, the Committee

RESOLVED

That completion of the Section 106 Agreement to take place by 1 October 2016.

43. START TIMES

The Committee

RESOLVED

That the start times of meetings for the remainder of 2016/17 be 2.30 p.m.

44. VISIT BY SITE INSPECTION PANEL – EP/30/16/HH – DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF TWO STOREY SIDE EXTENSION. INSERTION OF JULIETTE BALCONY TO FRONT. EXTENSION OF EXISTING SIDE DORMER TO CREATE EN-SUITE BATHROOM. ERECTION OF NEW FENCE TO FRONT OF PROPERTY, 10 HOMELANDS AVENUE, EAST PRESTON

*(Prior to consideration of this matter, Councillor Bower redeclared his interest and remained in the meeting but took no part in the debate or vote.)*

The Committee received a report on a visit of the Site Inspection Panel and was advised by the Chairman of the Panel that Members had expressed a concern with regard to the colour of the proposed cladding and whether the extension matched the same footprint as the garage on the neighbouring side elevation. Members felt that the alterations would not adversely affect the area and that, as the new footprint of the extension was the same as for the garage to be demolished, there would be little detrimental impact on the neighbouring property. A written officer report update was circulated at the meeting which detailed a letter of representation received and the officer's response to the queries raised. The Planning Team Leader advised that condition 4 had been updated to require details of all materials and finishes to be used to be submitted to the Local Planning Authority for approval prior to commencement of the works, which would address Members' concerns with regard to the proposed cladding. He also confirmed that the extension would be no further to the side neighbour than the present garage.

Following consideration , the Committee

RESOLVED

That the application be approved as detailed in the officer report and the officer report update.

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45. VISIT BY SITE INSPECTION PANEL – M/7/16/PL – DEMOLITION OF EXISTING GARAGE, POOL HOUSE & PART EAST WING OF EXISTING HOUSE & ERECTION OF 1 NO. DWELLING & GARAGE, LITTLE COOMBE, 46 SEA LANE, MIDDLETON ON SEA

The Committee received a report on a visit of the Site Inspection Panel and was advised by the Chairman of the Panel that the site could adequately accommodate another property and that the design was a matter of personal taste. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the officer report

46. PLANNING APPLICATION FP/8/16/OUT – OUTLINE APPLICATION FOR 1 NO. BUNGALOW. RESUBMISSION OF FP/44/15/OUT, 84 FLANSHAM LANE, FELPHAM

The Committee was advised that this application had been approved at the meeting held on 30 March 2016. However, Members were now being requested to reconsider the application in light of the new rules with regard to affordable housing contributions, which had the effect that S106 contributions could no longer be sought from schemes of 10 or less dwellings.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

47. PLANNING APPLICATIONS

AL/45/16/HH – Loft conversion, 1 Belle Mead Close, Woodgate Having received a report on the matter, together with the officer's written report update detailing a correction to the report which had referred to the Felpham Neighbourhood Plan in error, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(With the agreement of the Committee, Councillor Bence spoke to the following application as Ward Member.)*

AW/78/16/HH – Widening of existing drive including alterations to cross-over. This application affects the character & appearance of Craigweil House Conservation Area, 68 The Drive, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional objection received and additional condition relating to the protection of tree roots, a Member request was agreed for a site visit to take place to assess the impact of the demolition of existing walls to accommodate this proposal on the Area of Special Character. The Committee agreed and

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.

*(Prior to consideration of the following application, Councillor Hitchins redeclared his personal interest and left the meeting and took no part in the debate and vote.)*

AW/93/16/HH – Proposed garage replacing demolished water tank & garden room. Resubmission of AW/122/15/HH, Tradewinds, 7 Arun Way, Aldwick Bay Estate Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

AW/137/16/NMA – Non material amendment to approved application AW/362/15/HH for relocation of proposed rear extension to opposite side of rear elevation, 9 Balliol Close, Aldwick Having received a report on the matter, the Committee was advised that this was a staff application and then

RESOLVED

That the application be approved as detailed in the report.

BR/84/16/OUT – Outline application with some matters reserved for construction of 2 No. 3 bed dwellings & associated works (resubmission following BR/291/16/OUT), 3 Southdown Road, Bognor Regis Having received a report on the matter, the Committee heard the views of some Members that, although the proposal was considered to be an improvement on the previous application, it was still felt to be an overdevelopment and would be out of keeping with the area. On



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being put to the vote, the Committee did not accept the officer view that 2 dwellings was a suitable use of the site and

RESOLVED

That the application be refused for the following reason:-

The proposal for two dwellings would be an overdevelopment of the site out of character with the surrounding area contrary to GEN7 of the Arun District Local Plan, D DM1 of the emerging Local Plan and good design principles in the NPPF.

*(Prior to consideration of the following application, Councillor Hitchins redeclared his personal interest and left the meeting and took no part in the debate and vote.*

*Councillors Bower, Charles, Dillon, Mrs Maconachie and Maconachie redeclared their personal interest and remained in the meeting and took part in the debate and vote.)*

BR/95/16/PL – Coffee kiosk to include tables & chairs (resubmission following BR/4/16/PL, South of Esplanade Grand, West of Foreshore Office, The Esplanade, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional objection received and a petition of support of 150 signatures, the Committee also received additional information from the Business Development Manager and the Property & Estates Manager in support of the proposal, who were in attendance to address any concerns Members might have.

A previous application under BR//4/16/PL had been refused by the Committee at its meeting on 30 March 2016 on the grounds of potential blocking of the promenade for its existing users. Additional information submitted with this latest application detailed a retention of 4.9m width of the promenade when the kiosk was in full operation, which was a metre more than the width retained in front of the existing foreshore office and the Gloucester Road kiosk.

Members participated in some discussion on the application and then

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

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EG/32/16/HH – Two storey side extension (resubmission following EG/74/15/HH), 40 Orchard Way, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/9/16/HH – First floor extension (resubmission following K/41/15/HH), Bramble Down, Middle Way, East Preston Having received a report on the matter, together with the officer's written report update detailing an additional letter of representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/12/16/PL – Change of use from a C3 (Dwellinghouse) to Sui Generis (House in Multiple Occupation) for 7 or more, 68 East Ham Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report

LU/55/16/PL – Cover existing pebble dash front elevation with PVCu cladding/shiplap. This application affects the character and appearance of the Littlehampton (River Road) Conservation Area, Seaview, 3 River Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a consultation response from the Council's Conservation Officer highlighting that PVCu was an unacceptable material for use in the Conservation Area as it did not preserve or enhance the locality, the Committee was further advised that any approval would be conditioned to ensure suitable materials were used in the cladding of the building. The Committee

RESOLVED

That the application be approved as detailed in the report.

LU/61/16/HH – Rear extension & rebuilding of garage (resubmission following LU/329/15/HH), 15 Maltravers Drive, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a further letter of representation received, Members were advised that the main objections to the proposal related to:-

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- Fails to be in harmony with the street
- Design not in keeping with the history of the dwelling
- Unacceptable impact on the neighbouring property

However, in the view of officers the separation distance between the properties was adequate; the extension would be visible but its impact would not be unacceptable; the extension at the back would not be so harmful as to warrant a refusal and it was subordinate to the main dwelling; and, with regard to residential amenity, it would impact of daylight standards but that had been looked at and the 45 degree rule would be met.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

P/32/16/HH – Loft conversion, extension & dormers to front & rear, 5 Pyrford Close, Pagham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(With the agreement of the Committee, Councillor Tyler spoke to the following application as Ward Member.)*

R/37/16/PL – Refurbishment & change of use from ground floor car showroom (Sui Generis) & first floor flats (C3 dwellings) to A3 (Restaurant and Cafes), 1-5 Ash Lane, Rustington Having received a report on the matter, the Committee received verbal advice from the Planning Team Leader that a response had just been received from the Highway Authority which necessitated the addition of 5 conditions and 1 informative to any approval. The conditions were required to address the following:-

1. Need to secure cycle parking
2. Vehicle access to Ash Lane
3. Construction management plan and TRO (Traffic Regulation Order) to address waiting restrictions outside the site
4. Service management plan for the new restaurant use.

In considering the application, a concern was expressed with regard to servicing of the premises. In the course of discussion it was agreed that the condition relating to the service management plan would be slightly amended to include the words “at the rear” to keep possible disruption to a minimum.

To assist Members in their deliberations, the Planning Team Leader read out in full the conditions from County and the Committee then

RESOLVED

That the application be approved as set out in the report, subject to the addition of the following 5 conditions and 1 informative:-

No part of the development shall be first occupied until covered and secure; cycle parking spaces have been provided in accordance with plans; and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

No development shall commence until such time as the two existing vehicular access points onto Ash Lane have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works.

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Reason: In the interests of highway safety and the amenities of the area.

No development shall be commenced until such time as a Traffic Regulation Order, or revision to an existing order, securing the provision of no waiting at anytime restrictions in accordance with details to be submitted has been approved by the Highway Authority and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of road safety.

No part of the A3 use hereby approved shall be first occupied until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied deliveries and bin collection shall be carried out only in accordance with the approved Plan.

Reason: In the interests of road safety.

INFORMATIVE: The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

Y/19/16/OUT – Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development Plan, Land off Burndell Road, Yapton

Having received a report on the matter, the Committee now received a comprehensive verbal presentation on the detail of the application from the Case, together with a written officer report update circulated at the meeting which set out:-

- Additional consultation responses received from County Highways, the Council's Drainage Engineer, Southern Water and Yapton Parish Council
- Comments received from the NHS and the Council's Conservation Officer

- Plan drawing Nos for condition 3; the additional conditions requested by County Highways and S106 Heads of Terms
- A printed draft decision notice with the full set of conditions and informatives

The Case Officer advised that the proposal comprised an almost square site to the south of Burndell Road and Fellows Gardens, a new development that had almost been completed. It is an open field and has been used as arable farm land. Access to the site would be through the narrow frontage from Burndell Yard to the east. Burndell Yard is occupied by a small architectural salvage and scrap metal merchant. The site was 8m AOD (above ordnance datum) and comprised around 60% Grade 2 agricultural land, the remainder of the site being subgrade 3A “due to limitations imposed on crop growth by soil wetness and workability”.

The Committee heard that 44 separate representations had been received, all objecting to the proposal, and the case officer listed a summary of the points that had been raised. No objections had been received from the statutory consultees, subject to conditions and requirements for S106 contributions. He also addressed the matter of an application in Chichester District for 120 residential units that had been called in by the Secretary of State and which had been subsequently dismissed, which had been referred to by Yapton Parish Council. However, the view of officers was that that case (DCLG ref APP/L3815/W/15/3004052) was very different to the Yapton application and the reasoning behind that view was given at the meeting. In particular, Members were reminded that, given the guidance outlined in the Other Material Considerations section of the report which set out a very clear position where a Council could not demonstrate a 5 year housing land supply, there was a presumption in favour of sustainable development that required the granting of planning permission as set out in the NPPF.

The Council's Housing Strategy & Delivery Manager advised that this application would provide 30% affordable homes for the District, i.e. 34 homes coming forward as 50% for rent and 50% for interim housing (shared ownership), which met the Council's requirements, particularly in respect of the 17 rented dwellings. Members heard that there were 950 households on the Council's housing register and it was important to provide the type of housing that there was a need for. This application provided affordable homes for local people, complied with policy and, as such, the Housing Strategy & Delivery Manager did not object to the application.

Members then participated in debate on the matter and, on expressing concerns with regard to highway matters, Mr Townsend, a County Highways officer, addressed points of concern raised by Members. He advised that the most recent traffic data had been looked at very carefully and that the opening of the Bognor Regis Relief Road had reduced the amount of traffic passing through Yapton. In addition, officers were bound by Government policy. Having assessed the proposal

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based on current guidelines, the County Council was satisfied that its impact would be minimal on the local road network and was therefore acceptable in highway terms.

Queries were raised with regard to S106 contributions with respect to the NHS and Highways and these were addressed by the Case Officer at the meeting.

Following consideration, the Committee

**RESOLVED**

That the application be approved as detailed in the report and the officer report update

**48. PLANNING APPEALS**

The Committee received and noted the planning appeals that had been received and 1 appeal that had been heard.

**49. DEVELOPMENT CONTROL COMMITTEE – SCHEME OF DELEGATION**

The Committee received a report from the Head of Development Control which was seeking Members' support to amend the Scheme of Delegation to reduce the number of applications going forward to Committee for consideration. The benefits of this course of action were set out in the report and appendix and primarily related to substantial efficiency gains and an improvement in performance.

In presenting the report, the Head of Development Control advised that the present Scheme of Delegation was outdated and needed to be reviewed to take account of (1) the Council's Vision work whereby substantial savings had to be achieved and (2) to improve the Planning Service and its performance.

In the course of discussion, the Chairman expressed her view that the Committee had been given authority by the Council to make decisions relating to the Scheme of Delegation and, as such, should not abdicate that responsibility. This matter needed to be resolved so that officers could get on and implement the changes to improve the running of the Planning Department. Having been duly seconded, the Committee agreed to resolve the matter as set out in the report.

Members supported the recommendations but a concern was raised that the Town and Parish Councils needed to be informed and consulted. The Head of Development Control was able to advise that they would be notified of the changes and that officers would be willing to take calls, respond to emails or arrange meetings at the Civic Offices, as required.

The Committee then

RESOLVED – That

**Recommendation (1)**

**To make amendments to the following part of the Constitution: Part 4, Section 2, Officer Scheme of Delegation to Director of Planning and Economic Regeneration Paragraphs 5.5. and 5.7 - additions are shown as bold and underlined and deletions are shown as ~~strikethrough~~:**

**DEVELOPMENT CONTROL & MANAGEMENT**

5.5 Except in the circumstances set out in Paragraph 5.3.~~5.1~~**5.1** the determination of all matters for permission, consent, approval, agreement, opinion, the issuing of directions, notices or orders, authorisation to decline to determine and the setting of discretionary fees, whether by formal application or by correspondence under the terms of the following primary legislation:

- Town and Country Planning Act 1990 (as amended),
- Planning (Listed Building & Conservation Area) Act 1990 (as amended),
- Planning (Hazardous Substances) Act 1990 (as amended) ,
- Environment Act 1995 (hedgerows),
- Anti-Social Behaviour Act 2003 (High Hedges)
- Localism Act 2011
- **Housing and Planning Act 2016**
- Town and Country Planning (General Permitted Development) Order 1995 **2015.**
- ~~or~~ Any circular, direction or regulation (as secondary legislation) pertaining to the above together with any request for a consultation response from a Council or other body (inc Traffic Commissioners), shall be delegated to a designated officer<sup>1</sup>

**and also**

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<sup>1</sup>: A designated officer would include the Head of service down to and including team leaders to be recorded by letter from the Director Planning and Economic Regeneration to the designated officer a copy to be supplied and retained by Human Resources or the Head of Legal and Administration and Monitoring Officer



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~~5.7 The following shall also be delegated to a designated officer<sup>2</sup>:~~

- The development, management, making and implementation of a Planning Performance Agreement **including the agreement to accept payments for the purpose of covering the cost of any necessary additional and/or specialist work involved in progressing the above and/or back filling internal resources used for progressing the above. Authority to expend such payments as received for any or all of the above purposes.**
- Any matter related to the administration, processing, consideration, negotiation, consultation or notification of any matter submitted to the Council under the above primary legislation and any related secondary legislation. This shall also include any matters relating to the administration and execution of any Appeal process.
- The approval, issuing and publication of any technical reports, advice and guidance, including monitoring reports
- **W**here the application is from a Member or officer, **s**uch application **is** to be determined by the Director for Planning and Economic Regeneration in consultation with the Chairman of Development Control Committee

The Director of Planning and Economic Regeneration may further delegate any of the above functions to a designated officer<sup>1</sup>:

5.5.1. Where one of the exemptions listed below applies, the application or matter will be determined by the Development Control Committee:

- ~~Any application which prior to its determination is subject to at least 5 or more written representations, each from a different person, or a petition of signatories from at least 5 different persons residing at different addresses, which are in conflict with the recommendation of officers.~~
- Any **Major or Minor**<sup>2</sup> application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers.
- Any application submitted by, or on behalf of the Council, ~~any elected Member or any current member of staff.~~

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<sup>2</sup> **Major and Minor are defined in the Arun District Council's Local Validation Requirements list a copy of which is published on the Council's website.**

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- Any 'Major' or 'Minor'<sup>2</sup> application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads.

~~5.7 The following shall also be delegated to a designated officer~~

- ~~• The development, management, making and implementation of a Planning Performance Agreement~~
- ~~• Any matter related to the administration, processing, consideration, negotiation, consultation or notification of any matter Submitted to the Council under the above primary legislation and any related secondary legislation. This shall also include any matters relating to the administration and execution of any Appeal process.~~
- ~~• The approval, issuing and publication of any technical reports, advice and guidance, including monitoring reports~~

### **Recommendation (2)**

**To make amendments to the following part of the Constitution:  
Part 8, Section 7 Planning Services Local Code of Conduct, by  
deleting the whole of Paragraph 11 as shown by strikethrough  
below**

#### **11 REGULAR REVIEW OF DECISIONS**

~~11.1 The relevant Committee will undertake an annual review of planning decisions which will include examples of:-~~

- ~~• major/minor developments~~
- ~~• departures from the Development Plan~~
- ~~• upheld appeals~~
- ~~• Listed Building works~~
- ~~• developments in Conservation Areas~~
- ~~• enforcement cases~~

~~The Development Control Committee (and others if necessary) will formally consider the review and decide whether it gives rise to the need to review any policies or practices.~~

(The meeting concluded at 6.15 p.m.)

**AGENDA ITEM 6**

**DEVELOPMENT CONTROL COMMITTEE**

**13TH JULY 2016**

**REPORTS ON APPLICATIONS DEFERRED FROM  
PREVIOUS MEETING**

## **REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING**

**AW/78/16/HH**

Widening of existing drive including alterations to cross-over. This application affects the character & appearance of Craigweil House Conservation Area

68 The Drive  
Aldwick

**(Deferred For Committee Site Visit)**

Report of the meeting of the Development Control Post-Committee Site  
Inspection Panel held on

**REF NO:** AW/78/16/HH

**LOCATION:** 68 The Drive  
Aldwick

**PROPOSAL:** Widening of existing drive including alterations to cross-over. This application affects the character & appearance of Craigweil House Conservation Area

Present:- Mrs Hall (Chairman), Bower, Hitchins, Mrs Oakley, Miss Rhodes, Mrs Stainton.

Apologies:- Charles.

Following a presentation the Members assessed the planning merits of the case and voted 5 for the officers recommendation with 1 against.

## REPORT UPDATE

Application No: AW/78/16/HH

### Reason for the Update / Changes

Reason for Update/Changes: Further objections received in relation to the impact of the proposal upon the Root Protection Areas of the TPO protected trees.

Officers Comment: Comments noted and as such further condition included in the recommendation report requiring the submission of details for the measures to be implemented to ensure the protection of the trees roots when implementing the hard standing hereby approved.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.**

**AW/78/16/HH**

### PLANNING APPLICATION REPORT

**REF NO:** AW/78/16/HH

**LOCATION:** 68 The Drive  
Aldwick

**PROPOSAL:** Widening of existing drive including alterations to cross-over. This application affects the character & appearance of Craigweil House Conservation Area

#### **SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks permission to widen the driveway from 3.1m to 5.74m, an increase of 2.64m.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The front boundary previously consisted of a 1.8m high brick wall with iron gates. The side and rear boundaries of the site consist of a mixture of 1.8m high brick walls and close boarded fence with 4m high hedging on the eastern boundary.
SITE CHARACTERISTICS	The site is undergoing redevelopment and has been the subject of previous approvals. The existing access is constructed from Tarmac.

**CHARACTER OF LOCALITY**

Private estate within Craigweil House Conservation Area.  
Detached properties on large plots of various styles.

**RELEVANT SITE HISTORY**

AW/267/15/HH	Minor Amendments to previously approved application AW/344/14/HH for extensions & alterations - This application affects the character and appearance of the Craigweil House Conservation Area.	ApproveConditionally 05-01-2016
AW/344/14/HH	Increase existing single storey side extension, clad external elevations with insulation & render, remove existing clay tiled roof & recover, 3 No velux windows within the north facing front roof elevation, 32 No new windows, 7 No new doors, reconstruction of first floor balcony, new external steps at rear of side extension, gable roof extension to existing first floor living room & external garden swimming pool. This application affects the character and appearance of the Craigweil House Conservation Area.	ApproveConditionally 22-04-2015

AW/74/16/CLP	Lawful development certificate for proposed replacement of existing road kerb edging for length of property with new concrete edging to match existing shown to 'The Drive', reinstatement of splayed boundary wall to drive entrance to match existing, new automatic timber double gate effect sliding gate to drive opening, replace existing concrete paved driveway with new Indian Sandstone, alterations to existing side access gates, replace existing concrete paved patios & paths to rear with new Indian Sandstone, new set in the ground swimming pool & hot-tub with associated hardstanding in Indian sandstone, perimeter drainage to be in the form of a French drain with new soakaway for final discharge point, existing southern boundary altered by removal of existing timber fence & replacement of existing metal railings with new 2m high timber fencing with painted mural to outside face, hardstanding to be removed to suit new swimming pool & made good with new Indian sandstone & lawn areas, extension of existing boat house & new satellite dish & TV aerial.	PP Not Required 19-05-2016
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## **REPRESENTATIONS**

### **Representations received:**

Aldwick Parish Council

Object under Policy AREA2 as they believe this application will have a detrimental effect on the protected grass verge owned by the Craigweil Private Estate Ltd.

8 No. letters of objection from 6 addresses:

- The verge is owned by Craigweil Private Estate Ltd.
- Verge is identified in the Conservation Area Statement.
- Conflicts with AREA1 and AREA2 of the Local Plan.
- A number of objections raised in relation to the details on the application form.
- Conflicts with Policy GEN7 (iv) of the Local Plan.
- Conflicts with Policy DEV19 (iii) & (v) of the Local Plan.
- Unacceptable impact upon the Listed Building to the west of the application site.
- A wall has been demolished at the site.
- Other objections were raised relating to matters which are not the subject of this application.



Conservation Area Advisory Committee:  
No Objection

**Comments on Representations received:**

Comments from the Parish noted. The impact of the proposal upon the character of the Conservation Area will be considered further in the conclusion to this report.

In response to the 8 No letters of objection:

- The applicant has completed Certificate B providing 21 days notification to the owner of the land. Therefore the ownership and the right being obtained to carry out works is a Civil matter and is not a material consideration in the determination of this application.
- The proposed widening of the drive and its compliance with AREA2 of the Local Plan will be considered in the conclusion to this report.
- The proposal will be assessed against AREA1 and AREA2 in the conclusion of this report.
- The form is considered to have been accurately completed in relation to the development to the best of their knowledge.
- The widening of the drive is not considered to give rise to unacceptably adverse harm to the residential amenity of neighbours contrary to GEN7(iv) of the Local Plan.
- DEV19 relates to extensions to residential buildings and is not relevant to this application.
- The widening of the existing drive is not considered to adversely impact the setting of the neighbouring Listed Building.
- The demolition of the wall has been the subject of an enforcement investigation and no breach of planning control has been identified.

Comments from the Conservation Area Advisory Committee noted.

**CONSULTATIONS**

Conservation Officer

**Consultations responses received:**

Conservation Officer:

The proposal amounts to three areas of development:

1. A reconstructed front wall (in part)
2. Provision of a gate
3. Provision of hardstanding

These proposals have the potential to affect two heritage assets: the Craigweil House Conservation Area and the Craigweil House Area of Special Character. A heritage asset is defined as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

The reconstructed wall allows for a substantially larger opening. The opening will increase from 3.1 to 5.74m, an increase of 2.64m. This opening will be enclosed with a 'timber double gate effect automatic sliding gate'. There is no clear information related to the proposed gates. As such it is not possible to fully assess the impact that they would have on the Conservation Area and Area of Special Character as its appearance is unknown. It is considered that such information should be provided as it fronts a highway and may require consent? The need for such a substantial opening for a residential curtilage is also questioned.

It is also noted, the wall will change appearance in terms of colour to reflect the main property. It is not clear if this is part of the application or required permission? Such a change will have an impact upon the local area. In addition, it is not clear why such a large opening is required. Further details should be provided regarding both the gate and wall.

However, based on the information currently available to me, it is considered that this much larger opening/gate will not enhance the heritage assets.

It is considered that the increase in hardstanding within the plot will have a neutral impact upon the local area. The increase in the area covering the verge area is also substantial and would, at best, have a neutral impact upon the local area.

If minded to approve details regarding the gate, the materials and detailing such as the kerb stones should be conditioned.

**Comments on Consultation responses:**

Comments from the Conservation Officer are noted. The erection of a gate is not included in this application, the proposed gate was the subject of a Certificate of Lawfulness approved under reference AW/74/16/CLP. The alteration to the wall adjacent to The Drive also does not form part of this application.

**POLICY CONTEXT**

Designation applicable to site:  
Article 4 Direction  
Tree Preservation Order  
Conservation Area  
PD Restriction

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	AREA2	Conservation Areas
	AREA1	Areas of Special Character
	EDDM1	D DM1 Aspects of Form and Design Quality
	EHEDM3	HER DM3 Conservation Areas
	ESDSP2	SD SP2 Built -Up Area Boundary
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	NPPG	National Planning Practice Guidance
	SPD2	Conservation Areas
	SPD2A	Craigweil House, Aldwick, Conservation Area Statement
	SPD10	Aldwick Parish Design Statement

South East Plan:

**PLANNING POLICY GUIDANCE**

NPPF	National Planning Policy Framework
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	NPPG	National Planning Practice Guidance
Supplementary Guidance:	SPD2	Conservation Areas
Supplementary Guidance:	SPD2A	Craigweil House, Aldwick, Conservation Area Statement
Supplementary Guidance:	SPD10	Aldwick Parish Design Statement

## **POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Aldwick have not prepared a Neighbourhood Plan. However policy AREA2 of the Aldwick Parish Design Statement (June 2015) is relevant.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

#### **HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon any protected characteristics.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site is in the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. In this case policies relevant to the determination of this application would be GEN7, AREA1 and AREA2 of the Arun District Local Plan.

##### **DESIGN AND VISUAL AMENITY**

The proposal consist of the widening of the driveway from The Drive. The Drive is a private road and as such the widening of the access would normally not require consent. However, the site falls within a Conservation Area and is the subject of an Article 4 Direction removing permitted development rights for the proposed works.

The drive/access measures (approximately) between 2.61m and 3.07m wider than the existing drive/access, the drive immediately adjacent to the road is shown as measuring a maximum width of 11.5m before tapering to 7.5m in width 1m from The Drive and 5.8m in width 4.5m from The Drive. The proposed access is shown as being tarmacked to match the existing access which is considered to preserve the character of the Conservation Area.

The Conservation area features a number of properties with driveways of a similar width;

- 41 The Drive - approximately 8m in width
- 45 The Drive - approximately 6.61m in width
- 72 The Drive - approximately 12.36m in width (in out driveway)
- 74 The Drive - approximately 7.33m in width

Given the examples identified in close proximity to the site, the widening of the access is considered to preserve the character of the Conservation Area in accordance with policies AREA2 and GEN7(ii) of the Local Plan.

The alterations to the drive include the increase in width of the hard standing forward of the primary elevation by a maximum of 3.15m. This alteration to the hard standing would not be clearly visible within the street scene due to boundary screening adjacent to the road. This aspect is considered to preserve the character of the Conservation Area in accordance with policies AREA2 and GEN7(ii) of the Arun District Local Plan.

Policy AREA1 requires developments in Areas of Special Character to enhance the area. Given the test for a Conservation Area in AREA2 (preserve or enhance) it is considered acceptable for this development to have a neutral effect.

#### RESIDENTIAL AMENITY

The widening of the drive including alterations to the crossover is not considered to result in unacceptably adverse harm to residential amenity and accords with GEN7(iv) of the Local Plan.

#### SUMMARY

The proposed works are considered to accord with relevant development plan policy and as such it is recommended that permission is granted for the proposed development.

#### **RECOMMENDATION**

#### **APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plan: External Works - Existing & Proposed Site Plans - P-02 B

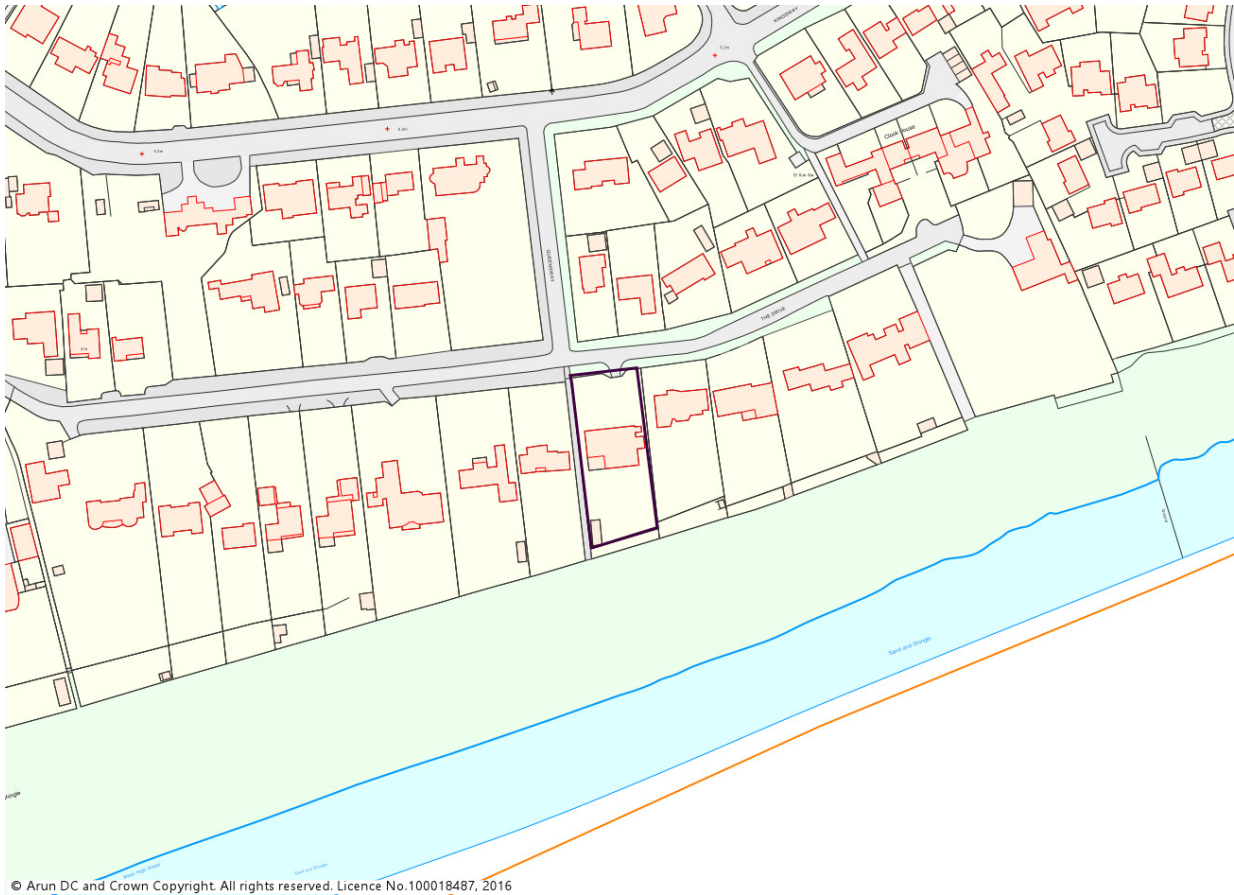
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development hereby approved shall not be implemented until such time as details of the root protection system to be installed have been submitted to and approved by the Local Planning Authority and the root protection system thereby approved shall be implemented prior to the implementation of the widened access and hard standing.

Reason: In the interests of amenity and the trees continued health and vitality.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**AW/78/16/HH - Location Plan as submitted with the application (Do not scale)**



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**DEVELOPMENT CONTROL COMMITTEE**

**13 July 2016**

**PLANNING APPLICATIONS**



**LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION  
AT THE DEVELOPMENT CONTROL COMMITTEE**

**NONE FOR THIS COMMITTEE**

**LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT  
THE DEVELOPMENT CONTROL COMMITTEE**

**YAPTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#">Y/34/16/PL</a>	Application for Variation of Condition No. 5 following a grant of Y/7/15/PL to enable the use of PVCu windows.	Residential Accommodation The O North End Road Yapton BN18 0DU
<b>Case Officer :</b>	Simon Davis	
<b>Recommendation:</b>	Approve Conditionally	

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**LITTLEHAMPTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#">LU/100/16/PL</a>	New 2 bedroom semi detached dwelling	12 Wick Farm Road Littlehampton BN17 7HR
<b>Case Officer :</b>	Mrs A Gardner	
<b>Recommendation:</b>	Approve Conditionally	

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**FERRING**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#">FG/69/16/OUT</a>	Outline application with some matters reserved for 4 No. 3 bed bungalows (resubmission of FG/196/15/OUT).	44 Ferringham Lane Ferring BN12 5LU
<b>Case Officer :</b>	Mr D Easton	
<b>Recommendation:</b>	Approve Conditionally	

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**EASTERGATE**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
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[EG/42/16/OUT](#)

Outline application with some matters reserved for the demolition of Hunters Chase & erection of 2 No. 4 bed link-detached dwellings (resubmission following EG/50/15/OUT). This application is a Departure from the Development Plan.

Hunters Chase  
Fontwell Avenue  
Eastergate  
PO20 3RY

**Case Officer :** Simon Davis

**Recommendation:** Approve Conditionally

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## **BOGNOR REGIS**

### **Reference**

### **Development Description**

### **Location**

[BR/54/16/PL](#)

Development of land to east of The University of Chichester, Bognor Regis Campus to construct an Engineering & Digital Technology Park, new access from Felpham Way, erection of first phase of student accommodation (171 spaces), car parking & associated landscaping. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area. This is a Departure from the Development Plan.

University of Chichester  
Upper Bognor Road  
Bognor Regis  
PO21 1HR

**Case Officer :** Mr D Innes

**Recommendation:** Approve Conditionally

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[BR/107/16/PL](#)

Retrospective application for the change of use from single dwelling (C3 Dwelling Houses) to HMO (Sui Generis).

15 Devonshire Road  
Bognor Regis  
PO21 2SY

**Case Officer :** Mr R Temple

**Recommendation:** Approve Conditionally

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## **ALDINGBOURNE**

### **Reference**

### **Development Description**

### **Location**

[AL/41/16/PL](#)

Replacement of 1 No. dwelling.

Church Farm  
Oving Road  
Aldingbourne  
PO20 3UB

**Case Officer :** Mr R Temple

**Recommendation:** Approve Conditonally

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**PLANNING APPLICATION REPORT****REF NO:** Y/34/16/PL**LOCATION:** Residential Accommodation The Olive I  
North End Road  
Yapton  
BN18 0DU**PROPOSAL:** Application for Variation of Condition No. 5 following a grant of Y/7/15/PL to enable the use of PVCu windows.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The applicant proposes to use the Liniar Flush Sash Window in white instead of timber framed windows as previously approved.
TOPOGRAPHY	The site itself is flat but the properties to the west and north are both at a higher ground level (approx. 1.5m).
TREES	None affected.
BOUNDARY TREATMENT	Flint wall above a concrete retaining wall with hedge on top to rear (west). Fence atop a brick retaining wall to the north. Open to the road frontage. Hedging on the short southern side frontage.
SITE CHARACTERISTICS	Rendered 2 storey former public house with detached 2 storey brick outbuilding and lean to shelter. Hard surfaced parking area to the north.
CHARACTER OF LOCALITY	The area is predominantly residential with the exceptions being the site, the church to the south and the doctors surgery & nursing home just north of the site. The residential properties have a mixed character but are predominantly 2-3 storeys high, in medium plots set back from the highway with front & rear gardens.  To the immediate north of the site is a semi-detached, red brick, two storey property constituting the houses 'Avonlea' and 'Springfield'. The properties are sat on a higher ground level. There are a number of small windows overlooking the site, facing the area in which the single storey Gospel Hall is proposed. There are windows in the east facing elevation of Laburnum Cottages which overlook the site.

**RELEVANT SITE HISTORY**

Y/73/15/DOC	Application for approval of matters reserved by condition imposed under Y/7/15/PL relating to conditions 3, 6, 7, 8 & 9 for material samples, details of screen walls & railings, landscape scheme, surface water drainage details & SUDS details.	DOC Approved 15-02-2016
Y/7/15/PL	Demolition of existing outbuilding & lean-to external shelter structures, conversion & extension to the Olive Branch PH to provide 5 No.. flats, an additional 1 No. flat over garages & a new Gospel Hall with associated parking, hard & soft landscaping (resubmission following Y/79/14/PL). This application affects the character & appearance of the Yapton (Main Road) Conservation Area.	ApproveConditionally 10-06-2015
Y/79/14/PL	Demolition of existing outbuilding and lean-to external shelter structures. Conversion and extension to the Olive Branch PH to provide 5no. flats. An additional 1no. flat over garages and a new Gospel Hall with associated parking, hard and soft landscaping. This application affects the character and appearance of the Yapton (Main Road) Conservation Area.	Withdrawn 12-11-2014

Application Y/7/15/PL was previously approved on the 19th of May 2015 by the Development Control Committee.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Yapton Parish Council

"Objection: Yapton PC object to the above variation of condition 5, planning application Y/7/15/PL on the following grounds:

The Building in question, the former Olive Branch Public House, lies within the Church Lane and Main Road/Church Lane Conservation area and is listed as a building of character in the Yapton Neighbourhood Plan. The building sits on a prominent entrance point into Yapton village with highly visible direct frontage onto Main Road. It anchors this corner of the conservation area and the Parish consider that the building's integrity should be maintained and redeveloped in its original vernacular or similarity styled modern equivalent. In this case conservation styled timber framed double glazed sash windows.

The proposal is currently a departure from the Yapton Neighbourhood Plan, namely policy E8 'Use of traditional and vernacular building materials....' and Yapton PC request that this application be refused."

In addition, 1 objection has been received which states that: "This is a key landmark building in Yapton in the conservation area to allow upvc Windows on the street scene will degrade the conservation area and set a precedent to allow others to do the same. We should be protecting our precious conservation areas."

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. These issues will be analysed in the Conclusions section below.

## CONSULTATIONS

Conservation Officer  
Engineering Services Manager  
Engineers (Drainage)

### CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - to be reported as an update.

ADC Drainage Engineers - "No surface water drainage comments"

Conservation Area Advisory Committee - any comments to be reported as an update.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;  
Building of Special Character;  
Conservation Area;  
Class B Road; and  
Public Sewer.

### DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2 GEN7 GEN22	Conservation Areas The Form of New Development Buildings or Structures of Character
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design HER DM1 Listed Buildings HER DM3 Conservation Areas HER DM2 Locally Listed Buildings or Structures of Character HER SP1 The Historic Environment	
Yapton neighbourhood plan 2014 Policy E8		Conservation Areas
Yapton neighbourhood plan 2014 Policy E9		Listed Buildings and Buildings or Structures of Character

### PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

**CONCLUSIONS**

**PRINCIPLE:**

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Furthermore, the site benefits from a part implemented consent for the conversion & extension of the former Public House and a separate Gospel Hall building together with parking & landscaping.

**IMPACT ON HERITAGE ASSETS:**

The site is with the designated "Church Lane, Main Road & Church Road, Yapton" Conservation Area and the building is also designated as a building of character which identifies the building as having a degree of significance meriting consideration because of its heritage interest. The building is also adjacent to a number of Listed Buildings. It is therefore important to assess the proposal against the impact of any development upon these heritage assets.

The application proposes the use of PVCu windows as opposed to timber framed windows as previously approved. The submission includes details of a Flush Sash Window by Linar. A sample window was previously shown to the Conservation Officer and it was agreed at that time, that provided that the windows would be set flush with no trickle vents, that they were an acceptable alternative to traditional timber frames.

It is considered that this particular type of PVCu window is acceptable as an alternative to timber as it has an aesthetic appearance (including texture) which closely matches with the appearance of timber and it is not considered that there will be any adverse harm to the character/appearance of the Conservation Area, to the Building of Special Character or to the adjacent listed buildings.

A local resident is concerned that this will create a precedent and lead to further similar proposals. However, although the issue of precedent is capable of being a material consideration in the determination of planning applications, the Council is duty bound to consider each and every application on its own merits and would so on any future applications for similar works.

**SUMMARY:**

Although Yapton Neighbourhood Plan policy E8 does require the use of traditional building materials, in this particular case, it is considered that the proposed windows will closely match with the style & design of the previous timber windows - and that the change will not result in any harm to the integrity of the Conservation Area. It is therefore recommended that permission is granted subject to the following conditions.

**HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is



also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

## RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The openings including doors and windows hereby permitted within the extension shall be in accordance with the details submitted with Application Y/34/16/PL (the Liniar Flush Sash Window in RAL 9010 White) or similar, particular care being taken to reproduce the set-back of the frames from the external wall face.

Reason: In order that the development shall not detract from the character or appearance of the Conservation Area in accordance with Policy AREA2 of the Arun District Local Plan and the National Planning Policy Framework.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan inc Site Aerial Ref 14-032-200;  
 Block Plan including Fence & Gate Details Ref 14-032-206;  
 Proposed Plans and Elevations (Gospel Hall) Ref 14-032-204;  
 Existing and Proposed Street Elevations and Model Images Ref 14-032-205 Rev A;  
 Proposed Elevations (Dwellings) 1-6 Ref 14-032 203 Rev A;  
 Proposed Plans Dwelling 1-6 Ref 14-032-202.  
 Arbicultural Impact Assessment Ref Arbtech AIA 01 (Dec 2014);  
 Tree Constraints Plan Ref Arbtech TCP 01 (Jun 2014);  
 Liniar Flush Sash Window brochure;  
 Flush Sash Window (70mm system) Vertical Cross-section;  
 Flush Sash Window (70mm system) Technical Information;  
 A4 sheet showing colour of RAL 9010;  
 Drawing PA-199 "General Arrangement - No Sharp Edges - 44mm Slab in Frame";  
 Drawing PA-038 "General Arrangement - No Sharp Edges - 150mm Sill Piece";  
 Drawing PA-031 Rev B "General Arrangement - No Sharp Edges - Low PVC Threshold;  
 and  
 Technical sheet for REHAU, Door-Stop and Sculptured Liniar variants.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 INFORMATIVE: All of the conditions imposed on Y/7/15/PL shall remain in force except fc

condition 05 which is amended by this permission as set out in condition 01 above and condition 02 which is amended by this permission as set out in condition 02 above.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Y/34/16/PL Indicative Location Plan**  
**(Do not Scale or Copy)**

*(All plans face north unless otherwise indicated with a north point)*



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**PLANNING APPLICATION REPORT**

**REF NO:** LU/100/16/PL

**LOCATION:** 12 Wick Farm Road  
Littlehampton  
BN17 7HR

**PROPOSAL:** New 2 bedroom semi detached dwelling

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The application relates to the demolition of a single storey side extension and provision of an attached 2 storey, 2 bedroom dwelling which would be constructed of materials to match the existing dwelling. It would have a height of 8m, a width of 5.3m and a maximum depth of 9.2m. The application includes an off road parking space. Cycle parking and bin storage are also indicated to the front of the dwelling.
SITE AREA	167 sq metres
RESIDENTIAL DEVELOPMENT DENSITY	59 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage 0.5m high walling with conifer planting behind to approx 1.5m. Walling/fencing to side.
SITE CHARACTERISTICS	The application site comprises a detached dwelling of 2 storeys with brick elevations and gardens to the front, rear and sides.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a uniform character with semi/detached/terraced properties of similar 2 storey design set in medium plots set back a uniform distance from the highway with gardens to front and rear within an urban environment.

**RELEVANT SITE HISTORY**

LU/6/14/PDH	Notification under extended permitted development rights for rear single storey extension extending from the rear elevation by 4.3m with a height of 3.4m & an eaves height of 2.2m	Prior Approv not req 10-02-2014
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## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection-

1. The proposal affected the natural balance of the surrounding street scene and is therefore considered out of character when compared to neighbourhood.
2. The garden is also smaller than the recommended rear garden size as set out in policy DDM3 of the Arun Local Plan 2003.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The area is characterised by a mix of dwelling type, including semi-detached and terraced dwellings and the proposal would be in keeping with this pattern of development. The dwelling has also been designed to reflect design features of the existing dwelling and would be no higher than the ridge line of the flats to the west.

Whilst the rear garden area is smaller than those adjoining it is not appreciably smaller than the gardens to the flats to the west. Policy DDM3 requires 85sqm of rear garden area for a semi detached dwelling with up to 3 bedrooms and the proposal is a 2 bedroom dwelling and has an area of 75 sq m, but the minimum length of 10m is achieved. There are also areas of open space within walking distance of the site.

It is therefore considered that the 10sqm deficiency is acceptable in this location.

## CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

### CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - Application is for fewer than two properties outside of the Lidsey WwTW catchment area. If deemed necessary, apply standard condition ENGD2A. Please be aware of the public surface water sewer and manhole close to the proposals, Southern Water to be consulted.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Southern Water have been consulted. Their response is awaited. The condition suggested by the engineers is not necessary as these are matters that can be controlled by the building control submission.

## POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	GEN7 GEN12	The Form of New Development Parking in New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design	

**PLANNING POLICY GUIDANCE**

NPPF NPPG	National Planning Policy Framework National Planning Practice Guidance
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**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

There are no specific policies in Littlehampton Neighbourhood Plan relevant to consideration of this

application.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## **CONCLUSIONS**

### **PRINCIPLE**

The site lies in an urban area where the principle of development is considered acceptable. Government guidance supports effective and efficient use of land for sites such as this but also advises that new housing is well integrated with and complements neighbouring buildings and local area in terms of scale, density, layout and access.

### **VISUAL AMENITY AND CHARACTER OF THE AREA**

The proposed development is considered acceptable by reason of compliance with policies and advice. The design of the property would broadly match the adjacent dwellings and the creation of a pair of semi detached properties would not look out of place in the street scene. The plot width is narrower than others in the locality, but is considered acceptable in this location where it would not significantly deviate from the the pattern of development in the locality.

### **RESIDENTIAL AMENITY**

The proposed development would be acceptable on the residential amenities of neighbouring properties because the only window at first floor in the side elevation of the property on the west elevation serves a landing and is conditioned to be obscure glazed and no materially adverse overlooking would therefore result. With regard to overbearing impacts it is noted that the dwelling does not project significantly to the rear of the neighbouring property (2m) and is 0.4m from the boundary and has a total depth of 9.4m. The neighbouring flats are 7m from the shared boundary. Given the relationship with the adjoining property and the position and distances involved it is considered there would no adverse impact on the residential amenities of the locality.

The proposal would comply with the Essential General Internal Space standards for a 2 bedroom 3 person house.

### **CAR PARKING AND HIGHWAY MATTERS**

The site is sustainably located close to bus routes and does include off road parking for a car. It therefore does not exceed the maximum parking spaces. Comments from Highways are awaited regarding the safety of the access proposed. These will be reported to Committee.

**CONCLUSION**

The application is recommended for approval subject to the following conditions

### HUMAN RIGHTS ACT

**FOR APPROVAL**

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

### RECOMMENDATION

**APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans 15224/01, 15224/02 and 15224/10.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the west side elevation of the dwelling hereby permitted which adjoins the side boundary with 10 Wick Farm Road without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.



- 4 The window on the west elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The building hereby permitted shall not be occupied until provision for covered cycle parking has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of cycles in accordance with policy GEN7 of the Arun District Local Plan.

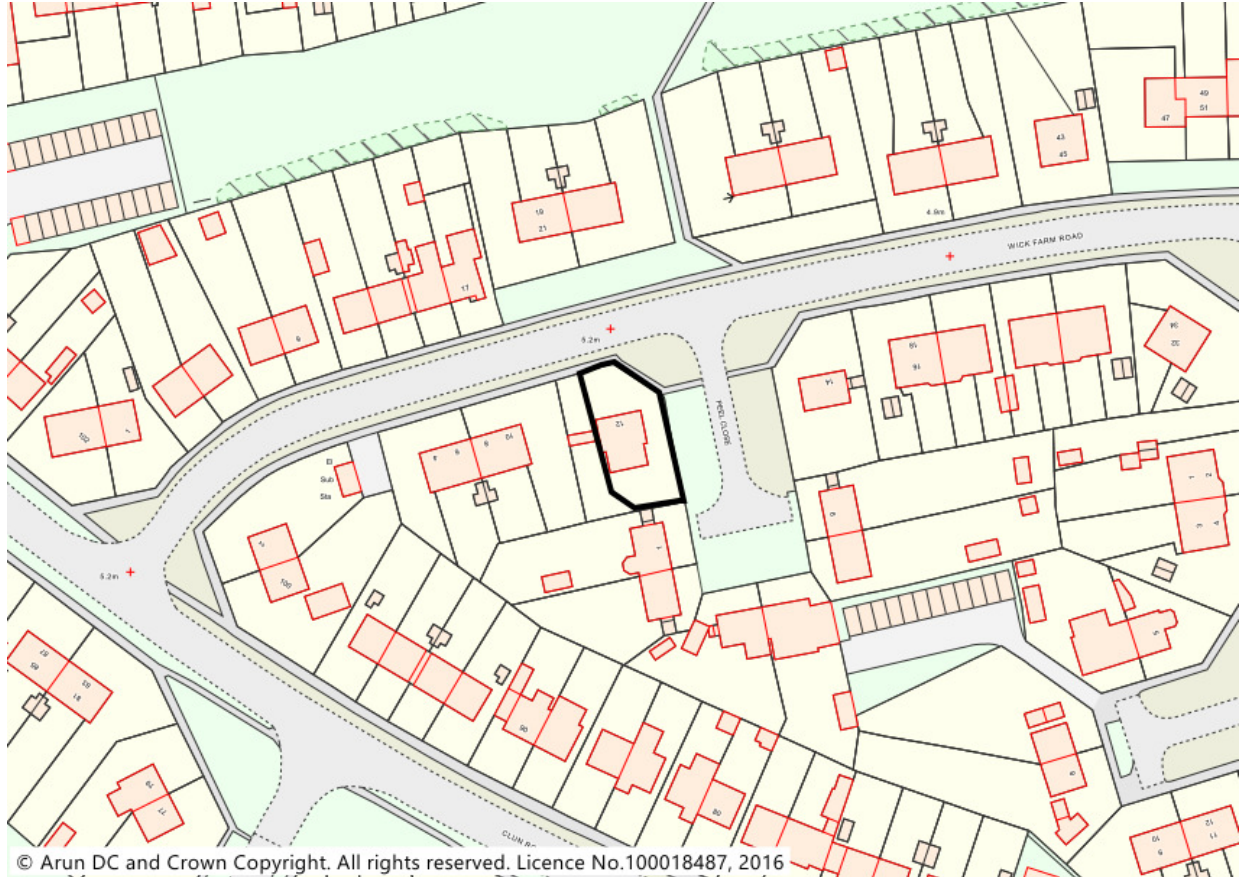
- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**LU/100/16/PL Indicative Location Plan**  
**(Do not Scale or Copy)**

*(All plans face north unless otherwise indicated with a north point)*



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**PLANNING APPLICATION REPORT**

**REF NO:** FG/69/16/OUT

**LOCATION:** 44 Ferringham Lane  
Ferring  
BN12 5LU

**PROPOSAL:** Outline application with some matters reserved for 4 No. 3 bed bungalows (resubmission of FG/196/15/OUT).

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This outline application is for layout and access only.
SITE AREA	Approximately 0.37 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	13.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site access is boarded by a brick wall at the entrance into the site with close boarded fencing and hedging further along the access. The site itself is boarded by a mixture of close boarded fencing, trees and hedges of various heights and densities.
SITE CHARACTERISTICS	The site is currently occupied by a detached two storey dwelling with rendered elevations and a tiled hip roof with a single storey projection to the north; rear dormer window on the eastern elevation; and a detached garage and small outbuilding located to the north of the original dwellinghouse.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential with Ferringham Lane consisting primarily of detached and semi-detached two storey dwellings set in larger plots. Ferringham Lane features a residential density of 11 dwelling per hectare to the West of the road and 13.04 dwellings per hectare to the east. To the east of the application site is Little Paddocks a private estate consisting predominantly of detached bungalows at a density of approximately 14.35 dwelling per hectare.

**RELEVANT SITE HISTORY**

FG/196/15/OUT	Outline Application with some matters reserved for 4 No. 3 bed bungalows & 1 No. 2 bed bungalow.	Withdrawn 14-03-2016
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The site has a history of planning applications having been made for residential development at this site with permission having been refused previously. The most recent application submitted under reference FG/196/15/OUT was withdrawn due to the proposal being unacceptable on design and residential amenity terms. The scheme has been amended in layout as well as the number of dwellings proposed.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council strongly objects to this planning application and it must be stressed that the Ferring Neighbourhood Plan has already passed referendum in December 2010.

The approach to the proposed houses is extremely long and narrow. With the proposal of further properties the access is insufficient for the possible number of vehicles that will be using the driveway. The driveway is not accessible to emergency vehicles ambulance, fire engines and delivery vehicles, this would mean that there is a likelihood of dangerous traffic build up on Ferringham Lane.

Although the Parish Council acknowledges that there is a proposal for a traffic light system, we must stress that the roads within this area are private roads with no footpaths and no street lighting and that the roads are already congested. The position of this development is on a bend along one of the main routes through the south of the village. The existing access with only one dwelling is already challenging, with the proposed entrance / exit traffic light system this inevitably become more of a hazard to other road users with the possibility of queuing traffic. Also there is a question of where does the responsibility lay should the traffic light system fail. The proposal for a traffic light system is impracticable and unfeasible.

Additionally, the Highways Department has no business suggesting that the applicant considers forming an access point via Little Paddocks Private Estate.

It is important to remember the 20mph roundels painted on the road are advisory only. A Traffic Regulation Order (TRO) for a 30mph speed limit on Ferring private roads is in the process of being implemented by West Sussex Highways Department.

The access route raises the obvious concern, however it must be acknowledged that the proposed development is evidently an overdevelopment of the site. The proposed housing is out of character for this area of Ferring and against Arun recommendation of no back garden developments.

Furthermore, consideration must be given to service vehicles, refuse lorries for example and the additional necessary requirements on services such as utilities and drainage.

60 letters of objection:

- 1]The existing access measures a maximum of 3.63m in width.
- 2]The stated visibility splays are not achievable or accurate.
- 3]The access is inappropriate given the development proposed.
- 4]It is not possible to enter or exit the site safely.
- 5]Parking provision is inadequate.

- 6]Proposed development will result in unacceptable harm to residential amenity.
- 7]Huge increase in light pollution from vehicles and pedestrians with torches.
- 8]Approval will result in the destruction of habitats of wildlife.
- 9]Additional traffic would result in an unsafe environment for pedestrians and other road users alike.
- 10]Proposal constitutes overdevelopment.
- 11]Proposed traffic light system is dangerous.
- 12]Proposed traffic lights would be out of character and harmful to residential amenity of neighbours.
- 13]Increase in flood risk due to reduced surface water drainage at the site.
- 14]Restrictive covenants on the land in relation to the erection of properties.
- 15]Proposed development would result in unacceptable loss of light.
- 16]The ordnance survey map is out of date and inaccurate.

12 letters of support:

- We have buyers interested in this land if planning is agreed.
- The additional properties would be an advantage to the area.
- Proposal is not out of character.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments made in relation to the suitability of the proposed access; the impact of the traffic light system; and the impact of the development upon the character of the locality are noted and will be considered in depth in the conclusion to this report. Whilst the Ferring Neighbourhood Plan has been made there are considered to be no relevant policies to the determination of this proposal.

In response to the 60 No. letters of objection:

- 1]The width of the existing access being less than the 4m access proposed is acknowledged by the Local Planning Authority. However, the applicant has stated that they own an access 4m wide and as such this would be a civil matter which would need to be pursued privately by the applicant as any approval would require the provision of a 4m wide access in accordance with the submitted plans.
- 2]Visibility splays have not been provided as part of this application and will need to be submitted and approved prior to the implementation of any approval. .
- 3-5]The appropriateness of the access and its impact upon highway safety as well as parking provision has been considered by WSCC Strategic Planning and will be considered further in the conclusion to this report.
- 6]The impact of the proposed development upon residential amenity of neighbours will be considered further in the conclusion to this report.
- 7]Light pollution is not considered unacceptable for this type of development in a residential location.
- 8]The land is currently a rear garden of a residential property and as such the proposed development is not considered to result in unacceptable harm to the habitat of wildlife. There is no evidence of protected species on site.
- 9]The impact of the proposal upon highway safety has been considered by WSCC Strategic Planning and will be considered further in the conclusion to this report.
- 10]This element of the proposal will be considered in the conclusion to this report.
- 11-12]The impact of the proposed traffic light system on the highway network has been considered by WSCC Strategic Planning and will be considered further in the conclusion to this report. The Local Planning Authority have not been provided with full details of the proposed traffic light system and this will be the subject of condition with details needing to be submitted for approval prior to the implementation of the scheme.
- 13]A condition in relation to the discharge of water and investigation of infiltration rates has been included in this recommendation report.

14]Covenants are not material planning considerations and will need to be dealt with privately.

15]The application only relates to layout and access - design will be the subject of a further application.

16]The ordnance survey map provides adequate information as to the location of the application site. A site visit was undertaken by the case officer during which time the location and impact of the proposed development on neighbouring properties was considered.

In response to the 12 no. letters of support:  
Comments noted.

## CONSULTATIONS

WSCC Strategic Planning  
Engineering Services Manager  
Engineers (Fluvial Flooding)

### CONSULTATION RESPONSES RECEIVED:

Engineers (Fluvial Flooding):  
Infiltration to be investigated prior to considering discharging to a watercourse.  
Please apply standard conditions ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

Original Consultation Response for FG/196/15/OUT dated 23.12.2015:

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

Context

This application seeks outline consent with all matters reserved, except that of access and layout, for the erection of 4 x 3 bed bungalows and 1 x 2 bed bungalow. Access will be achieved via an existing point of access on the eastern side of Ferringham Lane. Ferringham Lane is a private street at this point. West Sussex County Council, in its role as Local Highway Authority (LHA), has no maintenance responsibility for these types of streets. All comments made within this report in respects of private streets are for the advice of the Local Planning Authority (LPA) only.

A 'guided' speed limit of 20 mph is present on Ferringham Lane and is indicated by way of carriageway markings, however the Transport Statement details that this is not supported by a sealed Traffic Regulation Order. Pedestrian footways are present on the eastern side of Ferringham Lane.

### Access

Access from Ferringham Lane will be achieved via an existing point of access which currently serves 44 Ferringham Lane. 44 Ferringham Lane will be retained as part of the proposal; this proposal will therefore result in 6 dwellings being served from this point of access.

The access way is approximately 60 metres in length and 3.0 metre in width, consequently opposing vehicles do not have the opportunity to pass and re-pass along this access way. This could potentially lead to vehicle conflict and result in vehicles having to reverse back into the site or onto Ferringham Lane. By way of a comparison WSCC would typically request that a shared surface access way measure a minimum of 4.8 metres in width for the first 10 metres, this can be reduced to 4.1 metres in some situations. Using guidance within Manual for Streets it would also be difficult to demonstrate that that a 3.0 metre wide access way for this length could suitably accommodate a vehicle and a vulnerable road user side by side as a shared surface facility. Consideration does need to be given to the chance of conflict which in the peak hour is likely to be 4-5 vehicular movements per hour.

The applicant proposes to install a traffic light system at the access point to alleviate against potential vehicle conflict. Priority will be given to vehicle entering the site from Ferringham Lane. Vehicles exiting the site will be required to wait within the site and exit after a suitable 'inter-green' period. As Ferringham Lane is a private street I can only offer advice on this matter.

Consideration would need to be given to the impact of this system upon traffic flows along Ferringham Lane. In the peak hours it would be anticipated that vehicular movements to and from the site will likely be in the order of 4-5 vehicular movements per hour. The recorded traffic flows of Ferringham Lane in the peak hours are in the order of 1 vehicular movement in each direction per minute. On balance I would be minded to conclude that the chance of vehicle conflict would be low, in the peak hours. Nevertheless the installation of such a system without a 'waiting bay' for incoming vehicles may result in the unnecessary slowing and stopping of vehicle of Ferringham Lane.

Using the access in this way would be reliant on the system functioning for the whole lifetime of the development. I would advise the LPA to consider if such a facility can be conditioned and maintained in perpetuity? Will the system have any impact towards the amenity of users of Ferringham Lane or the development site?

The applicant should consider providing some form of pedestrian crossing point to direct pedestrians to the western side of Ferringham Lane from the site access point. Has the applicant

considered forming an access point via Little Paddocks? It is appreciated that the red edging on the location plan provided does not extend to the extent of Little Paddocks and a ransom strip would appear to prohibit this option?

#### Visibility

The applicant has conducted an automated traffic count/speed survey, within close proximity to the access point, between the dates of 09/09/2015 and 17/09/2015. The results of this survey conclude that 85th percentile speeds are 30 mph northbound and 28 mph southbound.

It is these actual road speeds which should be used in the Manual for Streets sight stopping distance calculation in order to determine an appropriate 'Y' distance on any proposed visibility splays. Using this calculation and other guidance within Manual for Streets it would be advised that splays of 2.0 x 43 metres south of the site and 2.0 x 39 metres north of the site would be considered appropriate.

It is noted on page 6 of the design and access statement that some walling will be demolished at the site access in order to provide improved visibility. However the applicant has not provided visibility splay plans demonstrating maximum achievable visibility, using land under control of the applicant, at this point of access. I am therefore unable to provide any further advice on this matter at this time.

#### Parking

I have assessed this application using the WSCC car parking demand calculator. Plots 1 - 4 will be provided with one garage and one hard standing space. Plot 5 will be provided with two hard standing spaces. The site plan indicates that 44 Ferringham Lane is provided with a double garage and hard standing space. On this basis the 5 new dwellings would be anticipated to create the demand for 11 vehicle parking spaces. It would appear that 44 Ferringham Lane is retaining an appropriate amount of vehicle parking. It would however be advised that one unallocated visitor car parking space is provided on site.

The proposed garages should have internal dimensions of 3 x 6 metres in order to be considered allocated parking spaces and be large enough to provide cycle parking.

#### Refuse Collection/Emergency Access

A refuse collection point is indicated on the proposed site layout, and it would be anticipated that refuse collection would take place from within the site. The applicants would be advised to provide a vehicle tracking plan to demonstrate that a refuse vehicle can access the site, turn and leave in the forward gear.

Manual for Streets paragraphs 6.7.2 and 6.7.3 detail building regulation B5 (2000) requirements for emergency access. While 3.7 metres carriageway width is required to operate at the scene of an incident, this width can be reduced to 2.75 metres over short distances.

I have consulted with WSCC Fire Safety, in the first instance it has been requested that the applicant investigate the opportunity to place a 1.5 metre wide access for fire fighting from Little Paddocks to allow hoses and ladders to be carried onto site. This would place a fire appliance within the building regulations distance for plots 1-4, leaving plot 5 as the only property out of scope which could have domestic sprinklers. The gate could be a closed gate for fire fighting only and not a public right of way. Should this not be possible additional



emergency access considerations would be required.

## Conclusion

The Local Highway Authority would not have any overriding concerns with this proposal and its impact upon the maintained highways network. The LPA would however be advised to consider the issues outlined within this consultation response and raise them with the applicant prior to determining this application. Additional advice on these matters and advised conditions can then be provided by the LHA should the LPA require.

2nd Consultation Response dated 09.03.2016 on FG/196/15/OUT:

I refer to your consultation in respect of the above planning application and would provide the following comments. West Sussex County Council was consulted previously on Highway Matters for this application and provided a response dated 23/12/2015. No overriding concerns with the proposal were raised concerning the impact upon the maintained highways network. However points for consideration by the applicant and LPA were raised. These points are indicated by the bullet points below.

Since WSCC comments dated 23/12/2015 a Transport Technical Note prepared by Reeves Transport Planning has been provided. In addition an amended site layout has been submitted which details the access width as 4.0 metres in width as per the applicants land register plan. The Technical Note seeks to deal with the considerations raised in the Highways Authority response dated 23/12/2015.

## Access

- Width of access for use as shared space for vehicles and pedestrians

The Technical Note provides evidence of other shared surface access schemes with reduced access width, namely 22 to 24 Ferring Lane and Lavender Court on Ferringham Lane. It should be noted that the approved access way at 22 to 24 Ferring Lane while narrowing to a minimum of 3.3 metres does measure between 4.8 metres and 3.7 metres for significant parts of its length.

It is proposed that the access way will measure 4.0 metres in width as per the applicants land register plan. Using Manual for Streets figures 6.8 and 7.1 it would be concluded that an access way of 4.0 metres could accommodate a vehicle and a vulnerable pedestrian such as a wheelchair user or single parent with child.

- Could the proposed traffic light entry system be conditioned and maintained in perpetuity?  
This would be a matter of consideration for the LPA
- Will the system have any impact towards the amenity of users of Ferringham Lane or the development site?

The Technical Note provides more details about how the signal system entry system will work in practice and has made an assessment with regard to anticipated waiting times and the likelihood of

waiting occurring on Ferringham Lane given the scale of the development. The LPA would be advised

to consider this evidence when considering the above bullet points. Given the status of this part of Ferringham Lane as a private street WSCC would not be in a position provide any conclusions based on the evidence submitted.

- Provision of a pedestrian crossing point to direct pedestrians to the western side of Ferringham Lane based on the documents provided it does not appear this is to be pursued.
- Possibility of forming an access point via little Paddocks based on the documents provided it does not appear this is to be pursued

#### Visibility

- Clarification over the provision of visibility splays in accordance with Manual for Streets and the 85th percentile recorded road speeds.

The Technical Note details that the applicant wishes to seek visibility splays requirements via a Grampian type condition. The LPA would be advised to consider the suitability of this arrangement.

#### Parking

- Provision of one visitor car parking space

The Technical Note details that any vehicle parking provision change could be controlled via an appropriately worded planning condition. I would be minded to agree with this approach.

#### Refuse and Emergency Access

- Vehicle tracking for a refuse vehicle

Appendix 7 of the Technical Note demonstrates a vehicle tracking plan for a refuse vehicle. These details would appear to be acceptable. The LPA would be advised to consult with the relevant waste collection authority to ensure the type of vehicle demonstrated on the plan provided is comparable to the vehicle likely to be used to service the site.

- Provision of a 1.5 metre wide access for fire fighting from Little Paddocks

Based on the documents provided it does not appear this is to be pursued.

#### Conclusion

The Local Highways Authority maintains its position that no overriding highways concerns would be raised to the proposal with regard to the impact upon the maintained highways network. Given the status of this part of Ferringham Lane as a private street WSCC as the Highways Authority are only able to offer the LPA advice on current guidance and standards.

WSCC Strategic Planning response dated 11.05.2016 on FG/69/16/OUT

I refer to your consultation in respect of the above planning application and would provide the

following comments.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application FG/196/15 for Outline consent with all matters reserved other than that of access and layout for 4 x 3 bed room dwellings and 1 x 2 bedroom dwelling. Comments dated 23/12/2015 and 09/03/2016 were provided; the application was withdrawn by the applicants. This application is essentially a resubmission of the previous application albeit a reduction in scale to 4 x 3 bed bungalows. The application has been supported by a Technical Note prepared by Reeves Transport Planning; this technical note was provided in support of the previous application FG/196/15.

Given the principle of the development remains the same, albeit with a slight reduction in scale, I would be minded to request that the Local Planning Authority (LPA) refer to Local Highways Authority (LHA) comments provided in relation to FG/196/15 (dated 23/12/2015 and 09/03/2016) when determining the latest application.

I would however be minded to make the following additional points based upon the revised plans

Upon inspection of the latest plans internal arrangements remains predominantly the same with the previous turning area for a refuse vehicle retained. I would conclude that the proposed layout incorporated an appropriate quantity of car parking provision to serve a development of this size in this location.

Given the reduction in scale of the scheme the LPA would be advised that this would result in a slight reduction in chances of vehicle conflict using the proposed access way as previously discussed in detail in comments dated 23/12/2015 and 09/03/2016.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and relevant conditions included.

**POLICY CONTEXT**

Designation applicable to site:  
Within built area boundary

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	GEN12 GEN2 GEN7 GEN9	Parking in New Development Built-up Area Boundary The Form of New Development Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM3 External Space Standards D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP2 Built-Up Area Boundary	

**PLANNING POLICY GUIDANCE**

NPPF NPPG	National Planning Policy Framework National Planning Practice Guidance
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Supplementary Guidance: SPD3 Parking Standards

### **POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Ferring Neighbourhood Plan has been made but there are considered to be no policies relevant to the determination of this application.

### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the

surrounding area.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## CONCLUSIONS

### PRINCIPLE

The application site falls within the built up area boundary where the principle of development is acceptable subject to compliance with relevant development plan policies. The Local Planning Authority are of the opinion that the principle of residential development in this location is acceptable although concerns exist in relation to the proposed scheme.

In this case the most relevant policies in the determination of this application are considered to be GEN7 of the Arun District Local Plan; D DM1, D DM3, D SP1 of the Emerging Local Plan; and the National Planning Policy Framework. The application has been submitted in outline form with only layout and access for consideration.

It must be considered that the Council does not have an adequate 5 year housing land supply. The NPPF is clear that where such a supply cannot be demonstrated relevant policies cannot be considered as being up to date (para. 49 NPPF).

Paragraph 14 of the NPPF indicates that "where the development plan is absent, silent or relevant policies are out of date" decisions makers should grant permission "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as a whole". In this case the balance is that planning permission should be granted.

### BACKGROUND

A previous application submitted under reference FG/196/15/OUT sought permission for the construction of 5 additional dwellings on this plot. A number of objections were identified in relation to the proposed layout and the impact of the proposed development on the wider locality. As such this earlier application was withdrawn and the scheme was amended to better reflect the character of the locality and the impact on neighbouring occupiers with the number of dwellings being reduced.

### DESIGN

Policy GEN7(ii) of the Arun District Local Plan requires new development to respond positively to the identified characteristics of the site in order to create developments which respect local characteristics. Matters in relation to scale, appearance and landscaping of the proposed development have been reserved and as such it will only be necessary to consider the proposal in relation to its layout.

The application seeks outline permission for the construction of 4 no. bungalows within the residential curtilage of 44 Ferringham Lane. The proposed layout features 4 no. 3 bedroom bungalows located to the south of the existing dwelling and laid out in a linear pattern. The proposed bungalows comply with the external space standards specified by policy D DM3 of the Emerging Local Plan.

The proposed 4 No. 3 bedroom bungalows are shown on the indicative floor plan as having a gross

internal floor area of approximately 78 metres squared which falls short of requirements of the Nationally Described Space Standards which specifies 86m<sup>2</sup> internal floor area. However, this outline application is only considering layout and access with design and scale to be determined by a later reserved matters application when these matters can be addressed.

The existing character of the area is residential with residential development located on all boundaries of the site. The nearby residential development is varied in design and style, but development is predominantly uniform and linear in layout. This is most evident to the east in Little Paddocks and along Ferringham Lane. Therefore, the proposed layout of the development is considered to be in keeping with the established character of the wider locality.

The proposed development would result in the site having a residential density of 13.5 dwellings per hectare, with a residential density of 14.35 to the east of the site in Little Paddocks; 13.04 to the west of the site (east of Ferringham Lane); and a density of 11 dwelling per hectare to the west side of Ferringham Lane. It is considered that the proposed development by virtue of its density is in keeping with the character of the locality. Therefore, it is considered that the proposed layout of the site is not considered to be overdevelopment and integrates well with the established character of the built environment in accordance with policy GEN7(ii) of the Arun District Local Plan; Paragraph 61 of the NPPF; and Policy D DM1 (1 & 13) of the Emerging Local Plan.

#### RESIDENTIAL AMENITY

Plot 1 will be located approximately 18.57m to the south of the existing dwellinghouse with boundary screening shown on the northern boundary of plot 1. Given the design of the existing dwellinghouse and the presence of first floor windows on the southern elevation this boundary screening/planting is considered necessary to prevent overlooking of the rear garden of plot 1. The proposed detached garage of plot 1 would provide some protection from overlooking - however, details of the design and appearance of the garage have not been submitted as part of this application and can therefore be considered as part of the reserved matters application.

Plots 1, 2 and 3 will be separated by 4.41m with the proposed driveways being situated between the proposed dwellings. Plots 3 and 4 will be located approximately 2.63m which is considered sufficient (subject to their final design) to prevent unacceptable harm to the residential amenity of future occupiers. Subject to the implementation of a suitable landscaping scheme the proposed development is not considered to result in unacceptable harm to the residential amenity of any neighbouring properties.

Therefore, the proposed layout of the development is deemed to accord with policy GEN7(iv) of the Arun District Local Plan and Paragraph 17 of the Arun District Local Plan.

#### PARKING PROVISION

Plots 1, 2 and 3 feature driveways measuring approximately 15m in length located to the north of the dwelling with garages also situated to the north of the dwellings. Plot 4 features a garage and a car parking space to the west of the proposed dwelling. The existing dwellinghouse will retain a double garage and a parking area to the north of the existing dwelling. The parking provision for the proposed dwellings is considered to accord with the West Sussex County Council (WSCC) Parking Demand Calculator and shall be retained in perpetuity solely for the storage of vehicles through the use of a planning condition. Although, it was previously identified by WSCC that an unallocated visitor parking space should be provided at the site, this remains absent and as such it is considered necessary to include a condition to secure its provision.

Therefore, it is considered that adequate and satisfactory provision of parking has been made at this site in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

## ACCESS

The existing site access is varied in width but has a maximum width of 3.65m with the boundaries of the access consisting of a mixture of brick walls, hedging and close boarded fencing. The application proposes the implementation of an access 4m wide which will measure approximately 50m in length - WSCC have identified in their consultation responses that Manual for Streets requires an access of 4.8m in width for the first 10m which can be reduced to 4.1m for the remainder of the access. It is noted by WSCC that "Using Manual for Streets figures 6.8 and 7.1 it would be concluded that an access way of 4.0 metres could accommodate a vehicle and a vulnerable pedestrian such as a wheelchair user or single parent with child."

Due to a 4m wide access being proposed vehicles accessing the site will be unable to pass each other due to its width and absence of any passing point. In order to avoid vehicles reversing onto the highway causing safety concerns it is proposed that a traffic light system to control access to the site will be used. Insufficient details have been provided in relation to the appearance of the traffic light system, its operation or continued maintenance. Therefore, a condition has been imposed requiring the submission and approval of this information and its implementation prior to the commencement of the development. Similarly, details of visibility splays have not been submitted with this application and as such a condition is included requiring the submission, approval and implementation of these prior to the occupation of the site.

In the absence of any objection from WSCC in relation to the proposed access or any detrimental harm to the safety of the maintained highway network the proposal is considered acceptable subject to the recommended conditions.

## SUMMARY

The proposed development is considered to accord with relevant development plan policy and as such it is recommended that planning permission is granted subject to the below conditions.

### **HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### **DUTY UNDER THE EQUALITIES ACT 2010**

#### Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

<b>RECOMMENDATION</b>
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## APPROVE CONDITIONALLY

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Scale;
- (b) Appearance;
- (c) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development hereby approved shall be carried out in accordance with the following approved plan: Location Plan, Illustrative Site Layout - Dwg 10.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 No part of the development shall be first occupied until visibility splays of 2.0 x 43 metres to the south of the site and 2.0 x 39 metres to the north of the site have been provided at the site vehicular access onto Ferringham Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

5 No development shall not commence until the 4 metre wide vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

6 Prior to the commencement of development details of the proposed traffic light system to control access in and out of the site shall be submitted to and approved by the local planning authority. This should include the:

- design, location and operation of the traffic light system.
- continued maintenance and operation of the traffic light system.

Reason: In the interests of road safety and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

7 Prior to the occupation of the buildings hereby approved details shall be submitted to and approved by the local planning authority for the provision of 1 No. unallocated visitor space. The visitor space so approved shall be implemented and maintained solely for the



parking of vehicles in perpetuity.

Reason: Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 8 The buildings shall not be occupied until the parking spaces, turning facilities and garages shown on the submitted plan have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

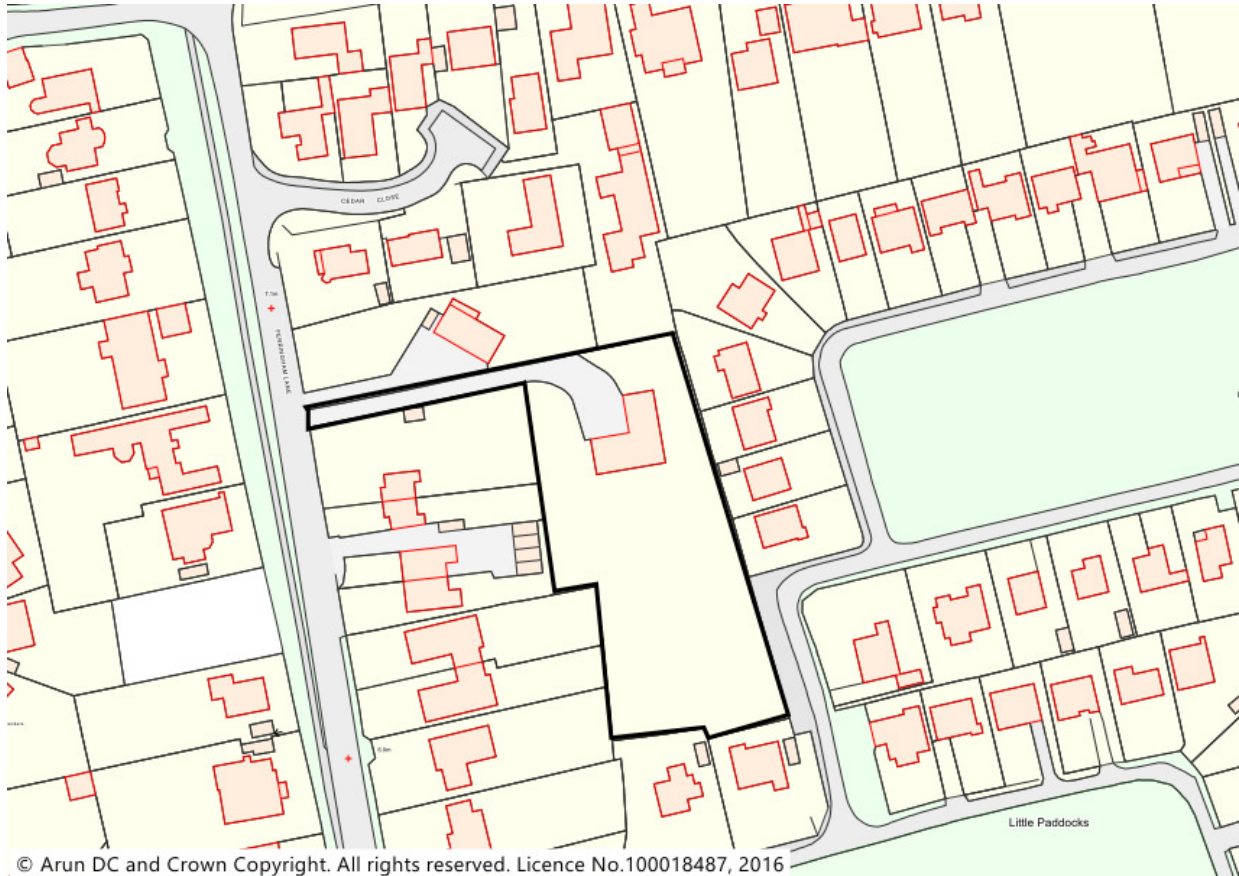
- 10 The buildings hereby permitted shall not be occupied until provision for covered cycle parking has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of cycles in accordance with policy GEN7 of the Arun District Local Plan.

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**FG/69/16/OUT Indicative Location Plan**  
**(Do not Scale or Copy)**

*(All plans face north unless otherwise indicated with a north point)*



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**PLANNING APPLICATION REPORT****REF NO:** EG/42/16/OUT**LOCATION:** Hunters Chase  
Fontwell Avenue  
Eastergate  
PO20 3RY**PROPOSAL:** Outline application with some matters reserved for the demolition of Hunters Chase & erection of 2 No. 4 bed link-detached dwellings (resubmission following EG/50/15/OUT). This application is a Departure from the Development Plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. This is an outline application with all matters reserved except for layout and access.  The new dwellings will match in height/scale and both include roof level accommodation. Each dwelling will have a garage and 2 parking spaces. Refuse/recycling and cycle stores are also shown. The existing access is to be closed and a new centrally sited access created.
SITE AREA	0.07 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	29 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but slightly below the level of the road.
TREES	Two trees on the site have now been made the subject of a Preservation Order. These are a Field Maple in the north east corner (forming part of the rear tree screen) and a Cherry Plum in the southwest corner.
BOUNDARY TREATMENT	(1) 2.2m high fence to the front and side boundary with Dell House; (2) 1.8m high wall to the former Commercial House site; and (3) 2.2m high fence to the rear of the site which is augmented by trees providing a significant screen to the dwellings to the rear.
SITE CHARACTERISTICS	The application site comprises a detached bungalow with gardens to the front and rear.
CHARACTER OF LOCALITY	The area is rural in character and lies outside the built up area boundary. The Commercial House site to the north has recently been developed into flats but only has a first floor bathroom window overlooking the site. To the south there is a detached 2 storey dwelling owned by the applicant which has principal windows at first floor that overlook the site. To the east and north east there are 2 to

2.5 storey townhouses. These also have rear first floor principal windows overlooking the site.

## RELEVANT SITE HISTORY

EG/50/15/OUT	Outline applicaiton with some matters reserved for the demolition of Hunters Chase & erection of 2 No. 4 bed link-detached dwellings. This application is a Departure from the Development Plan.	Withdrawn 16-02-2016
PAA/57/15/	Demolish existing bungalow, erection of 2no. 4 bed semi detached dwellings	Refuse Pre App 11-06-2015
PAA/16/13/	Pre-application advice for demolition of existing chalet bungalow and erection of 3 no. 2/2.5 storey dwellings	Refuse Pre App 11-04-2013
EG/61/07/	Change of use from dwelling to B1 offices and relocation of vehicular access	ApproveConditionally 08-11-2007
EG/116/04/	Change of use to tourist accommodation comprising 3 no. one bed apartments.	ApproveConditionally 28-01-2005

It should be noted that this scheme (under application ref EG/50/15/OUT) was previously presented to the Development Control Committee on the 16th December 2015. Members previously resolved to approve subject to conditions and the signing of a section 106 legal agreement relating to an affordable housing contribution. However, due to difficulties that the applicant encountered with getting their mortgagee to sign the agreement, they ultimately decided to withdraw the application a apposed to receiving a refusal.

The scheme was also previously subject to pre-application advice issued in June 2015 which concluded that although the location of the site outside of the built up area boundary would be considered acceptable having regard to the Council's housing land supply, the application would likely be refused on grounds of impact on the amenity of no. 3 Holmdale, failure to comply with emerging policy D DM3 on space standards (in terms of the depth of the rear garden) and inadequate off-street parking.

Pre-application advice was also previously sought in February 2013 under Ref PAA/16/13/ and proposed the demolition of the existing chalet bungalow and erection of 3 no. 2/2.5 storey dwellings Advice was given by letter in April 2013 to say that the site was outside the built up area boundary where development is not acceptable in principle. In addition, it was not considered that there were any factors which would significantly outweigh the policy objections. The development was also considered to be an overdevelopment of the site, which would result in an urbanising effect within the street scene.

It is noted that the dwelling to the south was originally approved as a replacement of the existing dwelling and that Hunters Chase was to be demolished as part of the new build (Planning refs EG/73/03 & EG/55/04). Subsequent applications EG/116/04/ and EG/61/07/ allowed the change of use of Hunters Chase to first holiday accommodation and then a B1 office use. Neither of these permissions were implemented. A later permission ref EG/56/09 (amended by EG/15/10) renewed

the unimplemented permission for the new dwelling to the south but also with the retention of Hunters Chase.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Eastergate Parish Council

Objection: "The parish council objects to this application on the ground that this represents an overdevelopment of the site, doubling the size of the sewerage output and increasing the water run-off contrary to policies ES1 and ES6 of the Barnham and Eastergate Neighbourhood Plan. The proposal is also considered to be un-neighbourly with potential for overlooking neighbouring properties."

### COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised in respect of overdevelopment, overlooking and foul & surface water drainage are considered in the Conclusions section.

## CONSULTATIONS

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

### CONSULTATION RESPONSES RECEIVED:

Southern Water - no comments received. Previously stated no objection subject to an informative.

West Sussex CC Highways - no objections. Recommend conditions.

ADC Drainage Engineers - no comments received. Previously stated no objection subject to a surface water drainage condition.

ADC Arboriculturist - no comments received. Previously stated that the submitted arboricultural assessment is acceptable on the basis that there is to be no protrusion into the RPA areas of the trees to be retained, no trees need to be removed and that the remedial pruning requested for trees T4-T8 is not significant. Recommended conditions in respect of tree pruning and tree protection.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary;

Class A Road;

No Public Sewer;

PD Restriction; and

Tree Preservation Order.

### DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	D DM1 Aspects of Form and Design Quality
	D DM3 External Space Standards
	D SP1 Design
	ECC SP2 Energy and climate change mitigation
	ENV DM4 Protection of Trees
	T SP1 Transport and Development
	W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems	

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

## PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with the countryside policies within the adopted plan on the grounds that it proposes a new dwelling in the countryside. However, there are mitigating circumstances, namely the current housing land supply position. Furthermore, the application is considered to comply with the other relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

## OTHER MATERIAL CONSIDERATIONS

The previous member resolution to approve Application EG/50/15/OUT is considered to be an important material consideration in the determination of this application. It should also be noted that the Parish objection is the same as was previously given.

## CONCLUSIONS

### PROPOSAL & PRINCIPLE:

The proposed application seeks outline permission for the demolition of the existing dwelling and erection of two 2.5 storey link attached dwellings with parking and private gardens.

The site lies in a countryside location outside the built-up boundary where the principle of development is considered unacceptable. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. It is therefore considered that the principle of an additional dwelling on the site is not acceptable. However, it is not considered appropriate for the Council to refuse applications solely on the grounds of principle in situations where the emerging Local Plan has not yet been adopted and where it is not clear as to the status of the Councils housing land supply. It is also noted that the site is previously developed land and already accommodates a dwelling.

### LAYOUT, DESIGN & CHARACTER:

It is not considered that there is an overriding particular character to the local area. Although the current dwelling and Dell House to the south are both detached, there is a two storey block of flats immediately to the north and also semi-detached town houses to the rear (east). It is therefore considered that the proposal relates well to the development to the rear. The dwellings would also be set back from the road and will benefit from the existing planting along the site frontage.

It is noted that the proposed site density at 29 dwellings per hectare (dph) relates well to the density of surrounding development:

- \* Former Commercial House Flatted development - 86 dph;
- \* Holmdale (5 dwellings to the rear) - 36 dph; and
- \* Woodland Villas (6 semi-detached houses north of Commercial House) - 40 dph.

Concerns have been raised about overdevelopment of the site but as will become clear from the analysis of the external space standards and parking/turning provision, it is considered that the extra dwelling can be accommodated within the site without detriment to amenity.

### INTERNAL & EXTERNAL SPACE STANDARDS

As the application is in outline with some matters reserved, no floor plans have been submitted and therefore it is not possible to assess the proposal against the Governments Technical Housing Standards (Nationally Described Space Standard). However, the applicant has stated that the dwellings will comply with the standards for 4 bedroom, 6 person dwellings.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes. This requires that large detached houses have a rear garden area of at least 100m<sup>2</sup> and 10m deep. Both of the proposed dwellings comply with this requirement.



**HIGHWAYS & PARKING:**

Vehicular access into the site is proposed via a new more centrally sited access than the existing one and this is considered to be a better situation. West Sussex Highways have not raised any objections to the proposed scheme. West Sussex Highways also comment on the sustainability of the site's location stating that local amenities and employment opportunities, although limited, are available within a reasonable walking distance using the existing local footpath network.

According to the West Sussex Parking Demand Calculator, based on 2 allocated spaces per dwelling, the proposal results in a total demand of 4 spaces. The scheme proposes 2 allocated spaces per dwelling plus 2 visitor spaces. Provision for the storage of cycles is also proposed. Therefore, the proposal makes sufficient provision for parking and it will also be possible for a private car to enter & exit the site in a forward gear.

**RESIDENTIAL AMENITY:**

The site is in close proximity to several surrounding dwellings. However, it is considered that subject to the avoidance of windows in the flank elevations (or at most obscure glazed, non-opening bathroom windows) that there will not be any harm to either Dell House or the adjacent flatted development.

In respect of the houses to the rear, the trees along the boundary are being retained and these provide good screening. Furthermore, the interface distance to the rear is at least 22.5m and this is considered to be more than sufficient to protect the amenities of nos. 2 & 3 Holmdale. There may be some loss of light when the sun is in the western sky but given the 22.5m interface distance, it is not considered that this will be unacceptable to the amenities of these properties, particularly given the existing tree cover along the boundary.

**IMPACT ON TREES:**

The site is subject to two Tree Preservation Orders but it is clear from the submitted documentation that there will be no impact on either the protected or non-protected trees. Conditions are recommended to protect the roots of these trees during construction.

**FOUL & SURFACE WATER DRAINAGE:**

The Parish Council have stated that they consider the proposal to be contrary to Policy ES1 of the Barnham and Eastergate Neighbourhood Plan in that there will be a 100% increase in the foul and surface water outputs.

Policy ES1 states that development will not be supported without clear evidence of there being no flood risk. It goes on to say that planning permission should only be granted for new development subject to a surface water drainage scheme condition.

The application is accompanied by a Flood Risk Assessment owing to the location of the site within Zone 2 (medium probability). The Flood Risk Assessment is considered to be acceptable and a condition is proposed to ensure that the proposed mitigation measures are adhered to. Furthermore, in accordance with advice received from the Council's drainage engineers, a surface water drainage condition is proposed.

In respect of foul sewerage outputs, it is clear from Southern Water's advice that they do not consider the increase in the density of the site to be a concern.

**AFFORDABLE HOUSING:**

Following the May 11th Court of Appeal judgement decision (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441), it is not possible to seek affordable housing contributions for schemes of less than 10 dwellings. Therefore, there is no longer a requirement for a Section 106 legal agreement.

**SUMMARY:**

It is considered that this application is acceptable having regard to the relevant development plan policies and in respect of the concerns identified by the Parish Council. Therefore, it is considered that this application should be approved subject to the conditions set out below.

**HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

**Duty under the Equalities Act 2010**

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-
  - (a) Scale;
  - (b) Appearance; and
  - (c) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the approved Drawing 001 "Proposed Sketch Scheme" (18/06/15).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by both a fence and suitable ground protection in accordance with BS5837 (2012) & Section 9, and to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012).

Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority. The fencing and ground protection must then be retained for the duration of the development works.

Following the approval of the details referred to above, the Councils Arboriculturist should then be contacted in order that a site visit can be made to check the position of the protective fencing/ground protection measures.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local

Plan.

- 6 The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Use of Flood Resilience/resistance measures within the design of the building; and
3. Finished floor levels to be set no lower than 600mm above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants all in accordance with the National Planning Policy Framework.

- 7 The works hereby approved to the existing trees as per the submitted Arboricultural Assessment shall be in accordance with the following:

#### Crown Reduction

All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

#### Crown Clean

The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

#### Crown Lift

Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed to facilitate the unobstructed free passage of vehicles and pedestrians.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 8 No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework.

- 9 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Fontwell Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free

of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework.

- 10 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework.

- 11 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These plans shall include details of the internal dimensions of the garage buildings. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use and in accordance with the National Planning Policy Framework.

- 12 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework.

- 13 No part of the development shall be first occupied until such time as the existing vehicular access onto Fontwell Avenue has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework.

- 14 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and in accordance with the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and the National Planning Policy Framework.

- 16 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-

enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 17 The proposed integral garages shall not be used for any other purpose other than for the garaging of private domestic motor vehicles.

Reason: To ensure the provision of adequate off street parking space in accordance with policy GEN7 of the Arun District Local Plan.

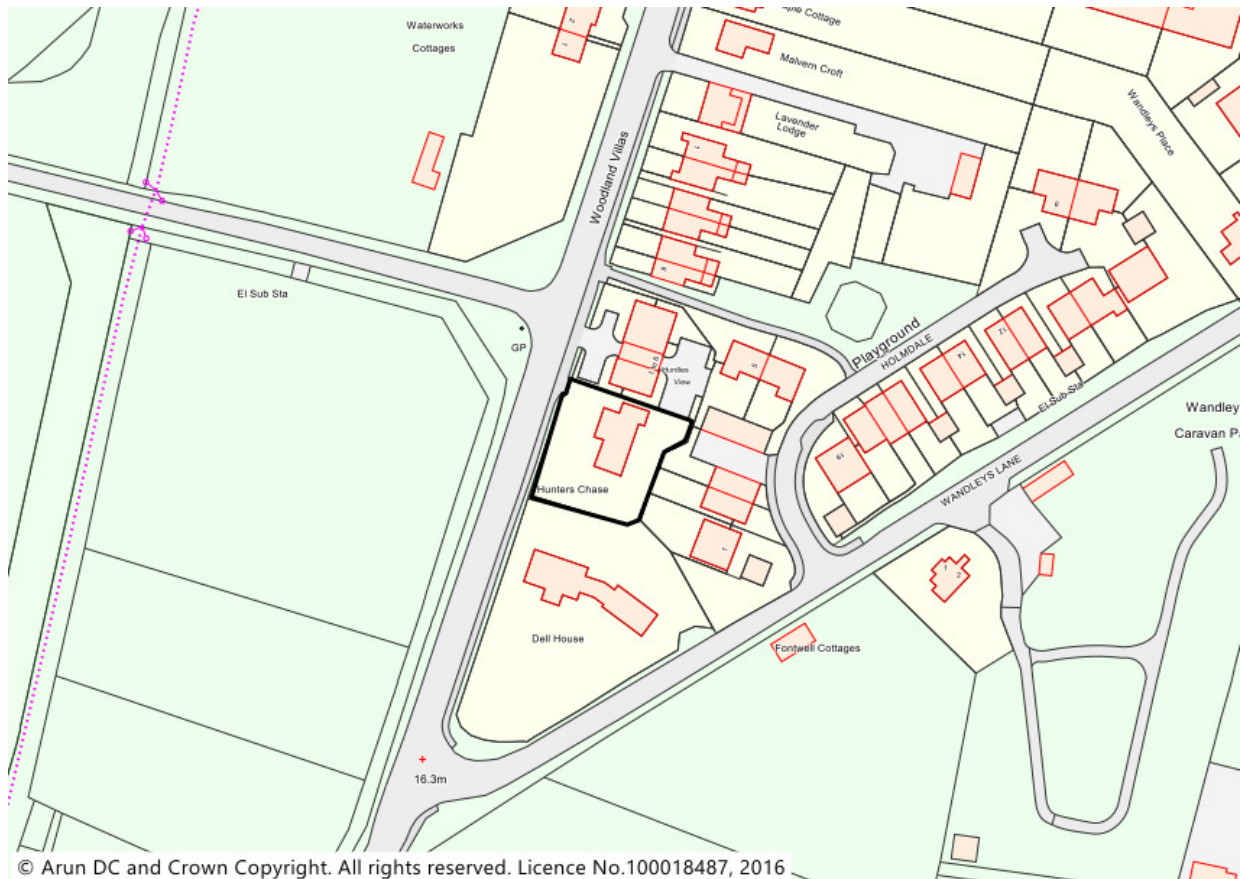
- 18 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 19 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

- 20 The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

**EG/42/16/OUT Indicative Location Plan**  
**(Do not Scale or Copy)**

*(All plans face north unless otherwise indicated with a north point)*



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**PLANNING APPLICATION REPORT****REF NO:** BR/54/16/PL**LOCATION:** University of Chichester  
Upper Bognor Road  
Bognor Regis  
PO21 1HR**PROPOSAL:** Development of land to east of The University of Chichester, Bognor Regis Campus to construct an Engineering & Digital Technology Park, new access from Felpham Way, erection of first phase of student accommodation (171 spaces), car parking & associated landscaping. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area. This is a Departure from the Development Plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Development of land to east of The University of Chichester, Bognor Regis Campus to construct an Engineering & Digital Technology Park, new access from Felpham Way, erection of first phase of student accommodation, car parking (171 spaces) & associated landscaping. This application has been advertised that it affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area.
SITE AREA	2.82 ha
TOPOGRAPHY	Predominantly flat
TREES	Where the red line site boundary abuts the existing campus boundary to the west of the application site boundary the trees have damaged the curtilage wall. The existing trees provide screening to this location.
BOUNDARY TREATMENT	There are trees and hedgerows along the boundaries of the site.
SITE CHARACTERISTICS	The application site is an open field with hedgerows and trees along each of the boundaries. Along Felpham Way the existing trees provide some screening of the existing student accommodation block. To the west of the application site there is a red brick boundary wall around the existing campus. This wall is also the boundary to the Upper Bognor Conservation area. The wall is listed by virtue of being a structure within and forming part of the curtilage of the listed building and is also attached to the listed 'Crinkle - Crankle' wall.  To the North of the field that is proposed for built development are playing fields associated with the



University.

#### CHARACTER OF LOCALITY

The area has differing land uses and character. To the north on each side of Felpham Way the land use is predominantly residential, to the south the Butlins Holiday complex provides a variety of hotel and holiday accommodation blocks with associated leisure buildings including a modern tented structure. The Upper Bognor Road frontage has a more established character with a parkland setting behind walls. The site is prominent with a mix of residential, leisure and tourism uses around the university buildings which means there is no dominant character.

### RELEVANT SITE HISTORY

BR/310/11/	Demolition of the Mead Centre, existing slab to be retained and reused for parking at a later stage. Student services building to be refurbished with new fit out to form Business Innovation centre. New entrance canopy, new external doors & new patio area & change of use from educational (D1) to offices (B1). Library fit out to include new entrance canopy & replacement windows & doors. Assembly Hall fit out to include some internal works. New landscaping to create student social area in centre of campus	ApproveConditionally 29-02-2012
BR/230/10/L	Application for Listed Building Consent to demolish & rebuild the boundary wall between the southern site entrance to the Bognor Regis Campus and 67/69 Upper Bognor Road	ApproveConditionally 15-10-2010
BR/67/10/	New two storey learning and resource centre building including demolition of existing cycle shed, science block and boundary wall and associated landscaping	App Cond with S106 11-06-2010
BR/15/10/	Internal refurbishment of a Grade 1 listed building and construction of access lift	ApproveConditionally 26-03-2010

There are number of planning application and listed building consent applications in respect of this site.

There have been a number of developments approved with the expansion of the education and student accommodation uses on this university campus.

### REPRESENTATIONS

#### REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Felpham Parish Council  
Bognor Regis Town Council

OBJECTION. Although Members support the development of the site they wish to object to the design due to the impact the unsympathetic and austere design will have on its setting, adjacent to both listed buildings and a Conservation Area. It is felt that the design does not comply with Policy 8a (Design Excellence) of the Neighbourhood Development Plan which states that Development proposals that fail to take the opportunities available for enhancing the local character and quality of the area and the way it functions will not be supported. A central part of achieving excellence in design is responding to and integrating with local surroundings landscape and context as well as the build environment through: using good quality materials that complement the existing palette of materials used within the area. Justification of this Policy states that this policy aims to ensure that investments in key new buildings and spaces of our town will contribute to planning, designing and delivering attractive and lasting buildings and spaces that demonstrate a design approach relating strongly to Bognor Regis' identity. This design also fails Policy 1 Delivery of the Vision of the Neighbourhood Development Plan which states that Major Developments should demonstrate how proposed changes will support the delivery of relevant Neighbourhood Development Plan Objectives and our vision for Bognor Regis.

Felpham Parish Council

No objection in principle.

17 individual letters of support have been received for the proposals from local people and businesses. These included the following businesses and groups:

Bognor Regis Regeneration Board  
Chichester College  
CWS Partnership  
Felpham Community College  
Gatwick Diamond Business  
Parker Kittiwake  
Rolls Royce Motor Cars  
Solatron Metrology Ltd.  
Sony DADC UK Ltd.  
URT Group Ltd  
Wired Sussex

The 17 letters referred to the following :

- Excited to see this development
- Look forward to the establishment of an Engineering Building on Campus
- Great asset - encourages interaction between the University and local schools and businesses
- State of the art facility will inspire students to raise aspirations
- Welcome greater student presence as it will benefit the town economically
- Will help attract new businesses to the area
- Much needed resource - engineering and technical skills are required
- Development will bring much needed skills to the area
- Will future-proof local workforce with right calibre of local trained young engineers
- Ensure flood risk is not increased by development
- Retain pedestrian access through from Mead Lane to proposal
- Exactly the kind of initiative that is needed for local economic regeneration of the West Sussex Coast

- Will help overcome skills shortages
- Committed to expansion in West Sussex - new technology and logistics centre. Face a real challenge in recruiting and retaining skilled engineers
- RR & University - long term partnership
- Will create new jobs
- Will help to meet demand for engineers
- £24m University project is very important to the town. The impact cannot be overestimated. The investment concurs with the Board's objectives.
- The additional 1200-1500 students at the expanded Campus will increase the town's economy by an estimated £69m p.a.
- Increases Science, Technology, Engineering & Maths (STEM) skills - 40 new undergraduate and postgraduate programmes.
- Act as a catalyst for other development and businesses in Bognor Regis.

#### Objection

Third Party Representations - 3 letters of objection have been received

- Concerned about vehicle access off Felpham Way. Severs a footway and cycleway constructed to serve local school.
- Highway safety - no vehicular access should be permitted off Felpham Way
- Lack of adequate car parking - only 150 spaces
- Suffer from student parking in Glenwood Estate. This will significantly increase.
- Concern about flood risk as site is within flood plain. NPPF requires sequential test for lower flood risk sites. It has not been adequately demonstrated that the site can retain water and prevent flooding of other areas. Flooding could isolate students impacting on their safety.
- Woefully inadequate parking. Parking is already a problem around the University.
- Applicant has not demonstrated that there are not more suitable alternative sites.
- Detrimental impact on neighbouring amenity.

1 letter of Comment has been received.

- Pedestrian access should remain open on Mead lane
- Mead Lane is very narrow alongside the University and unsuitable for pedestrians. Need to retain access through the University from Mead Lane to new buildings. Public access through the site.
- Reduce parking on Hook Lane with yellow lines.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The letters of support are noted. The comments and objections are addressed in the assessment of this application.

### **CONSULTATIONS**

Listed Building Officer  
WSCC Strategic Planning  
Highways England  
Southern Water Planning  
Environment Agency  
Natural England  
Historic England  
Sussex Police-Community Safety  
Ecology Advisor  
Archaeology Advisor  
NHS Coastal West Sussex CCG

Parks and Landscapes  
Environmental Health  
Engineering Services Manager  
Engineers (Fluvial Flooding)  
Conservation Officer  
Surface Water Drainage Team  
Economic Regeneration  
Environment Agency  
Ecology Advisor  
Engineers (Drainage)  
Environment Agency  
Engineers (Drainage)

**CONSULTATION RESPONSES RECEIVED:**

WSCC Strategic Planning

The LHA are broadly satisfied that the proposed development accords with paragraph 32 of the National Planning Policy Framework, and that it does not have a severe impact on the operation of the local highway network. However, further information is required to resolve matters 3.4.1 and 3.4.3 of the Road Safety Audit (RSA), as set out in the response below. In the event that the outstanding RSA matters can be satisfactorily addressed then no objection would be raised subject to conditions/obligations.

**Access**

The Applicant has been through the process of a Design Audit and has demonstrated that a DMRB (Design Manual for Roads & Bridges) compliant Left in Left out (LILLO) access can be provided. The Applicant has also undertaken and submitted a Stage 1 & 2 Road Safety Audit. Only matters associated with the planning element of the RSA (the 'Stage 1' of the Audit) have been commented upon through this response. All other matters, are for resolution through any subsequent detailed design submitted through the Section 278 process, as they relate to the provision of signs, lining and/or street lining. One matter relates to a matter outside of the public highway and on private land under the control of the Applicant.

The Designer Response to problem 3.3.2 of the Road Safety Audit accepts the recommendation to install U-turn prohibition signs. This will need to be supported by a Traffic Regulation Order, and would require the Applicant to fund the advertisement and consultation associated with this process, which will be coordinated by WSCC. At the time of writing, the cost of public consultation process is £7,000.

The LHA considers that problem 3.4.1 has not been satisfactorily addressed and that further review of the proposed crossing arrangements is necessary, and that the design should closer reflect the Auditor comments and recommendation. In particular, whilst the Designer has implemented measures to reduce entry speeds, the Designer Response does not appear to address means of improving visibility for crossing pedestrians/cyclists. Whilst it is accepted that the pedestrian desire is likely to be straight across without deviation from the route, further consideration should be given to improving conditions including in-setting the crossing, means of guiding users to the crossing location or incorporating a diagonal crossing arrangement.

Further information is required from the Designer to address problem 3.4.3. The Designer Response indicates that a review of the arrangement has been undertaken, but provides no

information as to the outcome of the exercise, whether changes have been made to the design, and the justification of any action (albeit amendment or no-change) taken in response to the review. It is recommended that the Designer Response expands on the current response.

In summary, the LHA are generally satisfied with the principle of the access arrangements subject to the satisfactory resolution of the outstanding RSA matters.

#### Trip Generation and Capacity

Given the low volume of anticipated movements, the network assignment exercise indicates that both the site access and the Upper Bognor Road/Felpham Way junction meet the thresholds that require capacity testing to be undertaken.

The output of this exercise establishes that the site access operates well within theoretical capacity. Similarly, given the forecasted operation of the BRRR in a 2020, the Upper Bognor Road/Felpham Way junction is demonstrated to be well within theoretical operating capacity. Consideration has been given to the redistribution of trips accessing the site due to the closure/alterations to the existing points of access. Given the spare capacity within junctions in the vicinity of the site, any impact would be negligible. It is not considered that the development has a severe impact on the operation of the highway network and therefore accords with the National Planning Policy Framework.

#### Car Parking

Provision for the further education aspect of the development has been provided in accordance with the WSCC maximum standards, which equates to 1 space per 15 students and 1 space per 2 members of staff. There are no car parking standards for student accommodation, and consideration should be given on a site-by-site basis. It is acknowledged that the site is in an accessible location with access to a range of services by foot, bicycle and public transport. No student parking has been provided for the proposed student accommodation, in line with the University's permit parking policy, and 20 visitor spaces and 10 special permit places are also provided for. The total provision is 145 spaces. A limited or no car parking arrangement is typical of student accommodation developments. Appeal decisions have previously included a tenancy agreement for students restricting the use of a car to permit only and not within 1.5 miles of the campus. The LHA do not consider that parking on local roads would be detrimental to highway safety, but the LPA should consider whether there is any impact on residential amenity. Should permission be granted it is recommended that students are required to enter into a no-car tenancy agreement; this should be secured by either condition or a S106 obligation.

#### Travel Plan

The University currently operates a successful Sustainable Travel Plan; it may be necessary to revise this document to take into account any alterations needed to accommodate the proposed development should permission be granted.

#### Conditions/Obligations

6 Conditions are proposed covering access; means of access; car parking; cycle parking; construction management plan; and, the travel plan.

- Applicant to fund the advertisement and promotion of a Traffic Regulation Order to prohibit u-turning along Felpham Way
- Students are required to enter into a no-car tenancy agreement.

WSCC Highways have been re-consulted on additional highways and Road Safety Audit submissions. Their views are awaited and an update will be provided to committee.

## Historic Buildings Advisor

- Impact on the setting of the Conservation Area and the listed buildings within it. The proposed buildings are significant in their scale and massing and their very nature, which is in stark contrast to both the grander Georgian buildings at the core of the campus; the more understated cottages; as well as the garden in the east of the Conservation Area and the overall parkland quality which still informs the area's historic origins and character.
- The eastern part of the Conservation Area and the corresponding listed buildings and landscape are considered to be relatively informal and seem to include a kitchen garden. A particular concern here is the treatment of the former gardens which now seeks to accommodate a pathway linking the new development with the existing. The most recent drawings depicting this approach illustrate this problem and as such more detailed consideration of the landscape treatment is still required. A primary concern should be the enhancement of this area to better reveal its heritage value and significance within the broader setting. At present there is a still a strong feeling of the path simply driving through the site.
- Discussions regarding the buildings themselves considered the stark contrast between the materials and especially the bright gold, which is seen as rather alien to the site. The notion expressed below that the buildings could reflect Bognor rock in a modern idiom was progressed and the resulting brick choice and change of colour of the panelling does better respond to this. That said, there is potential scope to provide a closer colour match, especially for the metal panelling. This is still quite 'gold'. A modern "statement" building can be provided with subtlety but the black and gold is very strong and raises concerns about how this may appear. The colour palette might be better considered in relation to local building materials and colour.
- The Heritage Statement states that a level of harm will be incurred that is likely to be "less than substantial" but this does not make it acceptable.
- NPPF para 132 requires great weight to be given to the conservation of heritage assets and there are a number of assets and their settings being affected.

## Comments

- The setting of the "Serpentine Wall" should be enhanced and taken into consideration in the design and finishing of the proposed pedestrian route.
- A broader setting assessment is required to understand the impact and increase successful mitigation.
- There is a need to properly consider the more informal building groups which contribute to the significance of the assets and to the conservation area to the east.
- Historic England is satisfied that there is limited harm to the setting of The Dome.

## Historic England

No comment. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

## Engineers (Fluvial Flooding)

No Objections, the following points are made.

- Condition ENGD2A, ENGD4A and ENGD6A required. Soakaways to be investigated prior to discharge to a watercourse.
- Percolation tests required to cater for the 1 in 10 year storm and to ensure capacity in the

system to contain below ground level the 1 in 100 year event plus 30% on stored volumes as an allowance for climate change.

- Groundwater monitoring to be carried out in consultation with the Council's Engineers
- The piped surface water system/watercourse must be identified on-site prior to the layout being approved. 5m easements are required.
- Land drainage consent is required for any diversion or culverting of a watercourse.
- Consider the EA response with regards to flood risk.

#### Environment Officer (Ecology)

- We are happy with the extended phase one habitat survey and subsequent report.
- Bird mitigation is correct and should be conditioned (point 6.3 and 6.5.2-6.5.6)
- Enhancement recommendations from reptile survey report from point 6.1 to 6.2 inclusive should be carried out
- Enhancement recommendations from bat survey report from point 6.1 to 6.2 inclusive should be carried out
- We support the enhancements mentioned in points 6.6.2-6.6.7
- We would like to condition the placement of multiple nesting opportunities for birds as mentioned in point 6.5.3 of the phase one habitat survey report.
- Also condition the 4 bat roosting structures to be provided
- Reed bed/fen bed soakaways should be used to provide drainage and additional wildlife habitats.
- Natural England should comment on the Pagham SPA aspect of this development.

#### Environmental Health

No objection in principle. Contaminated land comments have already been submitted.

1. Applicant needs to submit further information regarding the likely noise environment of the proposed student accommodation. EH would be happy with a condition to control this in relation to the current BS8233 standards.
2. In this case, we would be happy with a rating level of 5dB below existing background noise levels for the plant noise, being LAeq, T 32dB during the daytime hours (0700-2300) and LAeq, T 28dB during the night-time hours (2300-0700)
3. Condition to be applied "No deliveries or despatches by commercial vehicles shall be taken or despatched from the site outside the following times (7.00am-6.00pm Mondays to Saturdays), nor at any time on Sundays, Bank Holidays or Public Holidays.
4. Condition to be applied "External lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3."
5. The potential noise generation from the use of the Performance and Manufacturing spaces can be dealt with by Reserved Matters.
6. Condition to be applied "Construction work shall not begin until a scheme for protecting the nearest noise sensitive dwellings from noise during the construction process has been submitted to and approved by the Local Planning Authority."

#### Environment Agency

After reviewing the additional information we recommend that our objection can be removed. We are satisfied that the applicant has provided justification for the use of culverts rather than clear span bridges. Providing the culverts are built in accordance with the letter submitted 06/06/2016 ref 70013264/RS/SR.

It is important that as designed the base of the culvert is sufficiently low in the bed that it does not become exposed, thereby creating a lip and very shallow water within the culvert.

Any population of water voles that might move into this watercourse from the Aldingbourne Rife would currently need to negotiate the underpass of the A259 Felpham Way. Unless this is already clear span or has an integral mammal ledge then including mammal shelves on these new crossings will be beneficial.

#### Southern Water

There are public foul sewers and rising mains within the site. The exact position of the public sewers must be determined on site by the applicant before the layout is finalised.

It might be possible to divert the public sewer so long as this would result in no unacceptable loss of hydraulic capacity and the work is carried out at the developer's expense to the satisfaction of Southern Water.

Should the applicant wish to divert apparatus:

1. The 450mm diameter sewer requires a clearance of 3 metres either side.
2. No development or new tree planting should be located within 3.5 metres either side of the centreline of the 600mm foul rising main and sewer.
3. No development or new tree planting should be located within 3.5 metres either side of the centreline of the 450mm public foul sewer.
4. No development or new tree planting should be located within 3 metres either side of the centreline of the 150mm public foul sewer.
5. No new soakaways should be located within 5 metres of a public sewer.
6. All other existing infrastructure should be protected during the course of construction works.

Alternatively the applicant may wish to amend the site layout, or combine an amended layout with diversion.

There are sewer easements, decommissioned rising main and sewer within the site and surface water sewers.

Any sewer found during construction should be investigated to ascertain its condition, the properties served, and potential means of access before further works commence on site.

Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area.

Where a SUDS scheme is to be implemented, the drainage details submitted should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. If consent is granted condition are included to cover Southern Water's requirements.

#### Economic Development

Support this application. Pleased to see further investment in Bognor Regis and the facilities at the University. The provision of further, tailored courses in consultation with local businesses is certainly the type of initiative that the district and the wider area needs to assist with retaining



skilled graduates in the area. The demand for this type of graduate and skills is increasing and the ability for the University to assist in fulfilling this need should not be missed.

In addition, the contribution to the local economy from the additional student population, although not quantified, will be considerable.

#### Greenspace

Greenspace have no objection to the proposals assuming the following points are addressed and details submitted as part of any consideration.

Any trees should be protected and retained. Any proposed tree works within the site should be agreed with Arun District Council's Tree Officer prior to implementation. Root Protection Areas for any tree cover to be retained should extend into the development site. Before construction, the tree protection scheme must be in place for these adjacent trees whose root protection areas fall within the construction zone from neighbouring land. This would be required for both construction and heavy vehicle movements for deliveries. This should be in accordance with BS 5837:2012 "Trees in Relation to Construction".

A full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation being retained. These details are required to ensure that appropriate screening is provided, maintaining and uncompromising the setting and ensuring the proposals fit within the area of neighbouring development whilst benefiting the potential of the proposed developments usage. This should be requested as a condition of approval.

The landscape scheme should maximize the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.

#### Sussex Police

Design and Access Statements should demonstrate how crime prevention measures have been considered in the design and layout of the development.

In general, universities have a very open permeable environment and as such it is difficult to implement controlled access and entry to their locations. It will be paramount to ensure that perimeter security of buildings is built into the design and layout. Access control will be very important in maintaining and controlling the entry and exit into the proposed accommodation blocks, EDTP and other buildings. This will ensure only authorized person will be able to access appropriate environments. Access control can also provide an audit trail when required.

The crime prevention measures for the student accommodation will need to consist of perimeter access control, individual room doors and any ground floor or any easily accessible windows being accredited to PAS 024-2012, party wall and corridor intrusion resistance will need to be implemented.

Compartmentalisation of floors may have to be considered given that there are shared facilities such as kitchen and bathing. Secure Postal arrangement will need to be given careful consideration, whether it is concierge controlled or secure post boxes are installed. I strongly urge that letter apertures within the individual rooms are discouraged.

Further security measures within the building may have to be considered such as server rooms,

high value equipment rooms, and storage rooms especially within the EDTP which would have high value equipment throughout. These could consist of ; intrusion resistance, high security doors and access control.

External doors and windows for the Engineering, Design & Technology Park (EDTP) are to conform to LPS 1175 SR2 or PAS 024-2012 with laminated glazing that conforms to BS EN 356 P1A. consideration should be given to fitting a monitored intruder alarm within the EDTP.

Lighting around the blocks car parking and EDTP will be an important consideration and should conform to the recommendations within BS 5489-2013.

#### Archaeology Adviser

I agree that any ground-works associated with the proposed development would have the potential to impact on hitherto unknown archaeological interest. It would therefore be appropriate to require that the site be evaluated prior to development in order to identify any such interest and to establish proper measures to ensure its suitable preservation, i.e. either through preservation in-situ or by further archaeological investigation and recording.

The earthwork that crosses the site from east to west is almost certainly a post-medieval causeway for a road that ran across the flood-plain between South Bersted and Felpham until it was replaced by Felpham Road, now Upper Bognor Road, in the late 18th century. The date of the original road is not known, but it is likely to be post-medieval. It certainly merits archaeological investigation and recording ahead of destruction through development.

It should be possible to secure all of the above following a standard condition that requires a programme of archaeological work in accordance with a written scheme of investigation (i.e. ARC1). The WSI should include proposals for an initial trial investigation and for mitigation of damage through development to deposits of importance thus identified and for suitable recording of findings and publication of the results.

#### Highways England

Having considered the proposals Highways England have concluded that they have no objections.

#### WSCC Flood Risk Management

Our comments regarding the flood risk of the site are detailed with the FRA (pages 51-52) and the following is the comment relating to the surface water drainage for the proposed development.

#### Sustainable Drainage Systems (SuDs)

The FRA states that the surface water from the development site will be discharged to watercourse with the discharge limited to greenfield run off rates. This will be achieved by a variety of SuDS such as permeable paving, below ground storage, swales and bioretention ponds.

Development should not commence until finalised detailed surface water drainage designs for the site for the development have been submitted to and approved in writing by the Local Planning Authority.

Development shall not commence until full details of the maintenance and management of the

SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

#### **COMMENTS ON CONSULTATION RESPONSES:**

The Consultee comments are noted and are assessed in the report.

WSCC Highways have been re-consulted on additional highways and Road Safety Audit submissions.

The Environment Officer has been asked for further advice in relation to conditions covering ecology.

The EHO has been re-consulted with regard to additional conditions relating to noise.

The updated comments and any additional conditions will be reported in an update to committee members.

## **POLICY CONTEXT**

### **DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	AREA13	Sites of International Importance for Nature Conservation
	AREA14	Sites of National Importance for Nature Conservation
	AREA15	Sites of Local Importance for Nature Conservation
	AREA17	Sites of Archaeological Interest
	AREA2	Conservation Areas
	GEN10	Tidal Flooding and Coastal Defence
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN21	Renewable Energy
	GEN26	Water Quality
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN33	Light Pollution

GEN34	Air Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
SITE2	Bognor Regis Town Centre Regeneration

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality  
D SP1 Design  
ECC SP1 Adapting to Climate Change  
ECC SP2 Energy and climate change mitigation  
ENV DM1 Designated sites of biodiversity or geological importance  
ENV DM2 Pagham Harbour  
HER SP1 The Historic Environment  
HWB SP1 Health & Wellbeing  
T SP1 Transport and Development  
W DM1 Water Supply and Quality  
EMP DM4 - Knowledge and cultural based economic growth and regeneration  
INF SP1 Infrastructure provision and implementation  
QE DM1 Noise Pollution  
QE DM2 Light Pollution  
QE DM3 Air Pollution  
QE SP1 Quality of the Environment  
SKILLS SP1 Employment and Skills  
W DM2 Flood Risk  
W DM3 Sustainable Urban Drainage Systems  
WM DM1 Waste Management

Bognor Regis Neighbourhood Plan 2015 Policy 1 Delivery of the Vision  
Bognor Regis Neighbourhood Plan 2015 Policy 8/ Design Excellence  
Bognor Regis Neighbourhood Plan 2015 Policy 8j The University of Chichester Bognor Regis Campus

## PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### **POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from

the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

#### The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

### **OTHER MATERIAL CONSIDERATIONS**

In all applications, the Council must take into account other material considerations. This includes Government Advice, case law and appeal decisions which have emerged over recent years.

### **CONCLUSIONS**

#### PROPOSAL

The site is a vacant field on the corner of Upper Bognor Road and Felpham Way at the entrance to Bognor Regis. The site has been cleared in part but has retained trees and hedges around the perimeter of the site. The site adjoins the curtilage of the University campus, separated by a brick wall, 2.5m high, which runs parallel to Felpham Way.

The University campus to the west of the site comprises a mix of single/2/3/4 storey buildings providing teaching, office, student accommodation and sport facilities. The buildings are of varying age and architectural design. Most of the campus buildings along the frontage of Upper Bognor Road are Listed Buildings and the whole campus is located within the Bognor Regis, Hotham Park Conservation Area. The proposed site is not within the Conservation Area but is immediately adjacent to the curtilage wall of the campus.

To the south of the site and outside the Conservation Area is the Butlins Holiday Centre which has a number of dominant buildings including the hotel which is prominent from both Felpham Way and Upper Bognor Road.

To the north-west and north-east of the site, to the east and west of Felpham Way there are residential estates.

The proposal is for a major expansion of the University of Chichester - Bognor Regis Campus. The University is proposing to develop the southern part of this area to provide accommodation for the Engineering and Digital Technology Park building which will form a new high quality gateway building to the town. The building will be located on the corner of Felpham Way and Upper Bognor Road. The site will be an extension of the existing Campus to the west which is within the Upper Bognor Regis Conservation Area. To the south lies Hotham Park and the Butlins Holiday Resort. The application is in two distinct parts. To the south of the site it is proposed to build a new Teaching building that will form the new Engineering and Digital Technology Park. This is a landmark building up to 5 stories high, on the corner of Felpham Way and Upper Bognor Road, with the highest point as a focal point facing onto the roundabout. The maximum height is 25m to the top of the roof lantern over the atrium and 21.3m to the top of the external walls. (This is a similar height to the Wave Hotel at Butlins Resort). The second aspect of the application is north of the Technology Park which proposes new student accommodation. The master plan indicates a total of 289 bedspaces could be provided but the first phase is included for up to 171 student bedrooms with associated support facilities.

The Technology Park will provide new teaching rooms, science labs, fabrication labs, editing suites, performance and recording suite, meeting rooms, and ancillary office accommodation, toilets and coffee bar. The application proposes a new access to the University Campus which will be a left in/left out access from Felpham Way. The Hook Lane vehicular access will be closed off but will remain a pedestrian and cycle route.

Car parking provision will also be provided on site.

## PRINCIPLE

The site lies in an urban area where the principle of development is considered acceptable. The application site is not identified as an area for development in the Arun District Local Plan 2003. The Emerging Local Plan has identified the site as an area of expansion for the university. There is planning policy support for the expansion of the University of Chichester where Policy EMP DM4 states that "The Council shall particularly encourage the expansion and improvement of the academic and recreational facilities for the University of Chichester, in an eastwards direction, as shown on the policy maps". There is a requirement that while the principle is acceptable there is still a requirement to meet other planning policies in the plan. The emerging Local Plan confirms that the policy outcome will be a "knowledge/cultural based sector growth".

## NPPF

The NPPF has a presumption in favour of sustainable economic development. Paragraph 17 sets out 12 principles that should underpin decision making. This includes principles that are directly relevant to this proposal:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take

account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 65 states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

Paragraph 128 requires the local planning authority to require the applicant to describe the significance of the assets affected - the applicant has submitted a full heritage statement from a qualified consultant, which has since been assessed by the Council's heritage advisor.

Paragraph 132 sets out that great weight should be given to the assets conservation. In this application there is no loss of heritage assets but the proposals are in close proximity to a listed wall and the proposed teaching building in particular adjoins the conservation area boundary.

Paragraph 134 - "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

Policy 1 of the Bognor Regis Neighbourhood Development Plan (BRNDP) requires major developments to demonstrate how the proposal will support delivery of relevant Neighbourhood Plan objectives. Proposals must also identify the significance of any affected heritage asset and assess any harm and benefits. The following two sections addresses: the impact on heritage assets in the vicinity of the proposed development; and following on there is an assessment of the proposal in terms of economic and public benefits.

Policy 8j of the BRNDP promotes and supports a high quality and low carbon research and employment led development at the campus and an appropriate amount of student housing. The justification to this policy as set out in the BRNDP states "the delivery of this key priority site is a great opportunity to attract new talent to Bognor Regis and provide local employment opportunities within the wider town centre.

#### HERITAGE - Impact on Listed Buildings and the Conservation Area.

The proposed buildings are significant in their scale, massing and appearance, which is in stark contrast to both the grander Georgian buildings at the core of the campus; the more understated cottages; as well as the garden in the east of the Conservation Area and the overall parkland quality which still informs the area's historic origins and character.

A number of perspectives/photomontages have been provided that have helped to better contextualize the new buildings within the historic setting.

The setting of The Dome (formerly Hothampton Crescent) which is listed grade I and the two buildings which flank it are potentially less affected by the development. Historic England has expressed the view that because their primary significance within the setting lies in their visual amenity from the south rather than seen obliquely, any harm to their significance is somewhat limited.

There is also substantial screening to the east between the Dome and the proposal and this currently limits any view of the site. The proposal will be partially visible from the campus grounds at the rear of the Dome, this is demonstrated in the submitted perspective view that officers requested, (this will be shown in the committee slideshow presentation).

The Heritage Statement acknowledges that there might be some high level glimpses of the new building from the Dome. The heritage officer has confirmed the impact on The Dome will be minimal, for the reason above the Council's heritage advisor has accepted this.

The potential impact on the Conservation Area to the east and the corresponding listed buildings are considered fully in the Heritage Statement, it correctly identifies potential and likely harm to the setting of these listed buildings to the east and the sense of openness beyond that is part of their experience. Whilst the cottages and the garden areas might be considered to be of lower importance, they are none-the-less protected buildings with quite fragile, immediate settings. Their scale and less formal position and status within the area make them particularly susceptible to change and any corresponding harm.

The 'serpentine wall' also known as a 'crinkle-crankle' wall reinforces the sense of this area as a garden and growing area. These curved walls, of which there are less than 100 nationally, were traditionally built east-west so that the south side would capture the sun, potentially for fruit growing. The setting of this wall is very sensitive and should be enhanced, especially considering what has been allowed to develop to the north.

There are also concerns that the proposed pedestrian route which connects the new and existing areas of the campus does not appear to fully respond to or seek to enhance this wall. It is therefore recommended that the landscape treatment of this be conditioned so that the two areas can be reconciled sensitively without any new surfaces or treatments dominating the structure's setting. Details of the proposed footpath link that takes account of these buildings and walls has been requested and it is our intention to update committee prior to the meeting. Also a Listed Building Application has been submitted to specifically consider the link between the existing campus and proposed teaching building. This link will be immediately to the south of the 'crinkle-crankle' wall and will require the partial demolition and appropriate finish to the curtilage wall to link the two sites. The curtilage wall has already been significantly damaged by the trees on eastern boundary.

It is noted that the new development itself has sought to provide a distinctly modern aesthetic to the site in terms of its form and treatment. Whilst this approach is not a problem in itself, the scale and massing of the development does appear significant in relation to the Conservation Area and the listed buildings. The treatment of the elevations is also quite complex, both in its form and palette, but also the fenestration. It is understood that there is a need to provide a 'statement building' here. The black and gold materials are quite strong in this respect and initially the heritage officer expressed concerns with how this might appear. Both the heritage officer and conservation area officer have had sight of the materials proposed and a condition will be added to provide brick samples and cladding sample to ensure this is appropriate. The proposal includes an extensive flint cube which forms the west wing of the teaching building. This is a part of the building nearest to the conservation area and will front Upper Bognor Road. This wing will be built of knapped flint. As this wing encloses a sound studio there are no windows or door openings. The inclusion of traditional materials such as flint on the western wing of the technology park building goes some way to acknowledging local distinctiveness.

Bognor Rock which is evident in the wall of Hotham Park and the gatehouse (both within the Conservation Area) is a dark grey colour which changes to light ochre when it weathers. As a palette it is not completely unlike the proposed 'black/grey and gold' in its effect. It would also



ground the surface treatment of the buildings in the underlying geology of the town, which if only symbolic, at least references it and seeks to form a connection.

Landscaping and planting will also assist to some degree, though the scale of the development will mean that a level of harm will nevertheless be incurred. The Heritage officer agrees with the Heritage Statement that a level of harm will be incurred and that this is likely to be 'less than substantial'. The planning authority remains duty-bound to give great weight to the conservation of the heritage assets as required under para 132 of the NPPF. This does mean though that any public benefit must be compelling within the planning balance, especially given that a number of assets and their settings are being affected.

In summary, there will be some harm to the eastern part of the Upper Bognor Conservation Area, however the direct harm to the principle Listed Buildings is considered to be quite low and the photomontage from the Dome supports this.

## **ECONOMIC DEVELOPMENT**

The submission sets out that there is a business need for this development which will broaden the range of courses offered by the University, to include Science Technology Engineering and Maths (STEM) subjects, which is in support of the broader local, regional and national drive to address a shortage of highly qualified employable graduates; it consolidates the University's operations at Bognor Regis and strengthens the long term sustainability of the University. It is anticipated to be in operational use by summer 2018.

The Application sets out that the need for the University extension is in line with the Government Witty Report 2013 Universities and Growth. The report identifies Universities as being the driver of economic development, via working in partnership with Local Enterprise Partnerships: in this case, the Coast to Capital Local Enterprise Partnership. The building is well designed as a Statement Building at the gateway into Bognor Regis west of Felpham. It has been designed to respect the heritage environment surrounding the site, but not as a pastiche rather as a modern statement building reflecting its proposed use. The application is in accordance with the Governments objectives of Sustainable Economic Growth in that it is well designed and innovative.

The proposal has a significant benefit to the area where there will be an increase in the range of courses available locally in disciplines that will assist local business. This will enable to increase the number of student places with additional student places of up to 1,500 by 2023/24, and 300 work placements providing the opportunity for the retention of students with high level and relevant skills in the local economy. This is an opportunity to stimulate the local economy in accordance with Government policy dictating that Universities should take the lead in the educational economic regeneration of their regional communities.

It is estimated in the submission that the benefits provided by the proposed development would provide employment for at least 350 additional jobs by 2023, and an £12.4million additional student spend a year by students at the Bognor Regis campus by 2023/24. There will be an overall increase in the total economic impact of the University as a whole by £321million by 2023/24. (These figures have been put forward by the UoC).

One of the objectives of the expansion to the University's taught and research courses, is to "incubate" start-up SME's (Small to Medium Enterprises) as well as supporting the growth and improved productivity of existing SMEs in the locality. This will have a significant beneficial impact upon the town's regeneration and the local economy.

The Coast to Capital LEP has provided £8million to integrate the University with local industry to deliver the LEP local economic growth plan to encourage the start-up of SME's on the site close to the University, LEC Airfield Site 4 in the Arun District Local Plan.

The economic; education and links to local businesses are significant, add these to the availability of new degree courses which will provide around 300 additional university spaces within the district per annum and it is clear that there is a public benefit to the proposal that on balance satisfies the limited harm for the conservation area. On this basis the principle of developing the site in line with the emerging local plan designation can be accepted.

## DESIGN

The Technology Park Building has been designed from the outset as a landmark building that not only will be important to the University but would form an important building in the town. The University sought a contemporary building, but the aim was that it would complement the existing buildings (some of which are listed including The Dome which is Grade 1 on Campus which are all enclosed within the Upper Bognor Conservation Area).

The construction will seek to be highly sustainable and aims to achieve the BREEAM excellent rating. This aim is supported and demonstrates the investment being made in this proposal by the University.

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

This proposed development is on a sensitive site adjacent to and within the setting of the Conservation Area and a number of Listed Buildings and includes The Dome (55 Upper Bognor Road), which is Grade I. The proposal for a large building group closely abutting the highway and on a bend which leads to the approach into the Conservation Area is therefore naturally going to require careful consideration of the detailed design.

As a consequence any proposal will have to consider potential impacts of the development on setting in accordance with Good Practice Advice note 3: The Setting of Heritage Assets. The principal impacts are likely to be as follows:

- Setting of the Conservation Area with relation to views in and out of the area.
- Setting of the Conservation Area in relation to entering and leaving the area on the Upper Bognor Road.
- Setting of the Conservation Area in relation to long views up Upper Bognor Road from the east.
- Setting of listed buildings immediately adjacent to the new development, especially with regards to scale and massing, ie 65, 67, 79, 71 Upper Bognor Road.
- Setting of listed buildings in the broader setting, especially potential impacts on 53, 55 and 57 Upper Bognor Road.

The campus buildings include a Grade I listed building makes this particularly important and to this end the importance of para 132 of the NPPF with respect to the 'great weight' that is given to the conservation of assets and their setting. In the first instance any scheme should seek to conserve and enhance the heritage assets and will require a detailed heritage assessment.

The development will introduce modern design rather than replicate or mimic the design of the historic buildings on the site. The development on the south-west corner at the roundabout needs

to be very high quality due to its prominent location. This building will have the potential to be a new gateway to the town and could be a major statement by the University in the town. While the design and scale of the proposed buildings is important - materials will need to be chosen carefully.

In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990).

Bognor Regis Town Council has objected to the proposals on their view that the buildings have an "unsympathetic and austere design" which would impact on the setting of listed buildings and the conservation area. These comments are not supported by either Historic England nor the council's Heritage Advisor or the Council's Conservation and Policy Officer. The conclusions of their combined assessment is that there is a degree of harm which results from having new development located adjoining the conservation area and near to listed structures and buildings, however this harm is not so significant that it would warrant a redesign of the proposals. Therefore the design is not contrary to GEN 7 of the Arun District LP or Policy 8A of the Bognor NDP.

It is accepted that the development will be highly visible from within the campus and the new buildings should not be seen to have a public frontage and a 'back of the building' into the campus. Therefore the design of each elevation of the phase 1 building has been seen as important. Officers have considered the submitted designs which have been amended from the public consultation proposals and it is recommended that the design is acceptable.

The application includes one of three student accommodation blocks shown on the masterplan for the site. Block A/B is located to the north of the teaching building that forms an open L - shaped building. Initially this building was within 40m of residential properties on Hook Lane and given its 6 storey height it was held that this would impact on residential properties, as addressed in the Neighbour Amenity section below.

Officers have negotiated improvements that have been agreed to by the university that has relocated the building further east and instead of the whole building being six storeys in height, the wing, block A, has been stepped with a 3 and 4 storey heights and block B will be 6 storey. This has reduced the dominance of the building and the submitted shadowing plan no longer has an impact on the nearby residential properties.

The design layout of each floor, of the student blocks, has through the angle of the proposed building, ensured that there are no windows with direct overlooking of the houses.

The materials palette will be similar to the teaching building where a dark almost black brick will be used with a gold cladding contrast. Sample materials will be on display at committee.

The student block as initially submitted proposed 171 bed spaces the amended design to phase 1 will reduce down to 136 bed spaces. The university masterplan seeks a total of 300 bed spaces on campus and there is scope to provide a total of up to 300 bed spaces on site with phase 2.

The masterplan shows the footprint of the other 2 blocks, this does not form part of this application and a separate detailed application will be required should the University progress with phase 2.

The design, location and form of the student accommodation building is acceptable in design terms. It is located north of the Conservation Area and north of the existing student halls. There is no material impact on the Conservation Area.

## NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Bognor Regis Town NDP.

The Technology Park building will not cause undue harm to residential properties however the location and height of the student accommodation adjoining Hook Lane did raise a number of planning issues.

Officers identified that the student accommodation would create an overbearing and overshadowing impact on the nearby residential properties which is contrary to GEN7. Negotiations have resulted in an amended layout of student block A/B which has moved east and been lowered from 6 storeys to 3 and 4 storeys on the wing nearest residential properties on Hook Lane. This revision is significantly better and the potential impact on neighbouring residential properties is now at an acceptable level.

## HIGHWAYS, TRANSPORT AND PARKING

The Local Highway Authority is broadly satisfied that the proposed development accords with paragraph 32 of the National Planning Policy Framework, and that it does not have a severe impact on the operation of the local highway network. In the event that the outstanding Road Safety Audit matters can be satisfactorily addressed then no objection would be raised subject to conditions/obligations.

### Access

The Applicant has been through the process of a Design Audit and has demonstrated that a DMRB compliant Left in Left out (LILO) access can be provided. The Applicant has also undertaken and submitted a Stage 1 & 2 Road Safety Audit. Only matters associated with the planning element of the RSA (the 'Stage 1' of the Audit) have been commented upon through this response. All other matters, are for resolution through any subsequent detailed design submitted through the Section 278 process, as they relate to the provision of signs, lining and/or street lining. One matter relates to a matter outside of the public highway and on private land under the control of the Applicant.

The Designer Response to an identified problem (3.3.2 of the Road Safety Audit) accepts the recommendation to install U-turn prohibition signs. This will need to be supported by a Traffic Regulation Order, and would require the Applicant to fund the advertisement and consultation associated with this process, which will be coordinated by WSCC. At the time of writing, the cost of public consultation process is £7,000. This is to ensure that traffic exiting the site which would be turning right on to Felpham Way does no U-turn on Felpham Way.

Whilst it is accepted that the pedestrian desire line is likely to be straight across the proposed LILO access without deviation from the route, further consideration should be given to improving conditions including in-setting the crossing, means of guiding users to the crossing location or incorporating a diagonal crossing arrangement. It will also be necessary to address how ingress speeds can be reduced for traffic entering the campus.

In summary, the LHA are generally satisfied with the principle of the access arrangements subject to the satisfactory resolution of the outstanding RSA matters.

### Trip Generation and Capacity

Given the low volume of anticipated movements, the network assignment exercise indicates that both the site access and the Upper Bognor Road/Felpham Way junction meet the thresholds that require capacity testing to be undertaken.

The output of this exercise establishes that the site access operates well within theoretical capacity. Similarly, given the forecasted operation of the BRRR in a 2020, the Upper Bognor Road/Felpham Way junction is demonstrated to be well within theoretical operating capacity. Consideration has been given to the redistribution of trips accessing the site due to the closure/alterations to the existing points of access. Given the spare capacity within junctions in the vicinity of the site, any impact would be negligible. It is not considered that the development has a severe impact on the operation of the highway network and therefore accords with the National Planning Policy Framework.

### Car Parking

Provision for the further education aspect of the development has been provided in accordance with the WSCC maximum standards, which equates to 1 space per 15 students and 1 space per 2 members of staff. There are no car parking standards for student accommodation, and consideration should be given on a site-by-site basis. It is acknowledged that the site is in an accessible location with access to a range of services by foot, bicycle and public transport. No student parking has been provided for the proposed student accommodation, in line with the University's permit parking policy, and 20 visitor spaces and 10 special permit places are also provided for. The total provision is 145 spaces. A limited or no car parking arrangement is typical of student accommodation developments. Appeal decisions have previously included a tenancy agreement for students restricting the use of a car to permit only and not within 1.5 miles of the campus. The LHA do not consider that parking on local roads would be detrimental to highway safety. Should permission be granted it is recommended that students are required to enter into a no-car tenancy agreement; this should be secured by either condition or a S106 obligation.

### Travel Plan

The University currently operates a successful Sustainable Travel Plan; it will be necessary to revise this document to take into account any alterations needed to accommodate the proposed development should permission be granted.

Third party objections and comments in relation to Highways issues. There are few objections to this major application and there were objections on highways grounds as set out in the representations section above.

The new access has been through a Stage 1 Road Safety Audit and subject to some amendments the access and crossing points for pedestrians can be accepted. The parking has been set as a maximum parking standard to reduce reliance on the car. The existing travel plan seeks to reduce the number of vehicles on site and alternative student buses between the Chichester and Bognor Campus assist in reducing the need for a car.

Mead Lane access will be closed to vehicles but will allow access for cyclists and pedestrians crossing the site.

### FLOOD RISK AND DRAINAGE

A full Flood Risk Assessment has been carried out on the site. It is proposed that the surface water from the development site will be discharged to watercourse with the discharge limited to greenfield run off rates. This will be achieved by a variety of SuDS such as permeable paving,

below ground storage, swales and bioretention ponds. To ensure the volumes are confirmed the Council's Engineer has a requirement for a number of conditions relating to the SUDS and it will be necessary for Groundwater Monitoring and percolation tests.

The Environment Agency had an initial objection to the proposal but their objection has been withdrawn following clarification of the use of culverts.

One objection has raised concern that in the event of flooding students could be at risk as the buildings are within a floodplain. The scheme has been fully assessed and the student accommodation includes an undercroft to the building, a ground floor void, where the ground floor level is 1m above exterior ground level.

#### **FOUL DRAINAGE**

Southern Water (SW) have identified that there is a public sewer and rising main that crosses the site it will be essential that once the exact position of the pipeline is known 5m easements are put in place to protect the apparatus.

SW have also identified that the development cannot be accommodated within the local infrastructure therefore it will be necessary for the applicant to enter into an agreement with SW to improve the infrastructure. A condition has been added to address the drainage strategy and timetable.

#### **NOISE/LIGHT POLLUTION**

If this site is developed, there will be increased noise/disturbance/light pollution to existing residents. It is not considered that these impacts will result in significant harm. Street lighting will be controlled by condition. There has also been a request from the ecologist that lighting is considered in relation to the location of street lights and security lights due to the existence of bats near the site.

#### **IMPACT ON TREES & LANDSCAPING**

There are no Tree Preservation Orders on the trees around the periphery of the site and a detailed tree survey showing the retention and any felling required has been provided. The trees along the western boundary near to the 'crinkle-crankle' wall are within the conservation area and are therefore protected trees. However these trees are causing damage to the boundary wall which is listed by virtue of forming the curtilage of the Listed Building. Parts have collapsed and will require rebuilding. A separate listed building application to re-establish the wall and fell any trees that are likely to cause further damage is to be submitted.

A landscaping plan has been submitted to address the landscaping planting associated with this proposal. Should the application be approved a full landscape scheme would be conditioned to be submitted to ensure that appropriate screening is provided, maintaining and uncompromising the setting and ensuring that the proposals fit within the area of neighbouring development and properties, whilst benefitting the potential of the proposed development and users.

There will be a requirement for the long term management of the developing landscape that maximises the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.

#### **ECOLOGY**

### Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, new hedgerow should be planted. Conditions have been added to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats. There will be a requirement to install bat roosts into the brickwork of the buildings at 4 locations.

### Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

### SUMMARY

In assessing this application there is support for the expansion of the UoC at Bognor Regis Campus as included in the emerging Local plan. There is support contained in the Bognor Regis NDP as it is set out in the NDP that such a development would meet 9 of the visions and objectives set out in the plan as well as a contribution to strategic housing targets through the provision of student accommodation. There is support in the NPPF for economic development and there is the requirement that development that affects or has impact on heritage assets must be given careful consideration. There is harm to the conservation area and nearby listed buildings but this is not severe and not significant. The test set out in the NPPG requires public benefits to outweigh any harm. A development of this scale which provides new education opportunities and skills that are directly required by local businesses provides a strong case in itself. The requirements of the BRNDP have been met by the submission of a heritage statement and Design and Access statement that has been assessed by officers.

The investment being made by the UoC in the town has a multiplier effect on the town by increasing employment, attracting an additional 1083FTE students bringing their student spend to the town. There are opportunities for 300 apprentice places which allows local businesses to recruit locally.

The building has been designed as a gateway building which is modern and bold. The Student accommodation block is equally modern and has a complimentary design and materials palette. The design of the proposal has been assessed in relation to the setting of the conservation area and is acceptable in planning policy terms and meets with the requirements of the NPPF.

The site has been assessed in terms of impact on flooding and there are no objections from Environment Agency or drainage Engineers.

The development requires a new access in the form a left in left out access from Felpham Way. The principle has been accepted and the limited number of car parking spaces meets the County maximum parking standards. There are additional details that will be required to full satisfy County Highways but these will be dealt with in the s278 application.

The recommendation is to APPROVE the application subject to the comprehensive list of conditions.

## HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

## RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- AP\_000 - Location Plan
- AP\_001 - Red Line Plan
- AP\_002 - Existing Site Plan
- AP\_003 A Proposed Block Plan
- AP\_004 A Proposed Masterplan
- AP\_005 - GA Plan - Ground Floor
- AP\_006 - GA Plan - First Floor
- AP\_007 - GA Plan - Second Floor
- AP\_008 - GA Plan - Third Floor
- AP\_009 - GA Plan - Fourth Floor
- AP\_010 - GA Plan - Roof Plan
- AP\_011 - West Elevation
- AP\_012 A East Elevation
- AP\_013 - North Elevation
- AP\_015 - Long & Short Section



AP\_016 - Streetscape Elevation  
 AP\_017 - Out-buildings Indicative Elevations  
 AP\_018 A Perspective View 01  
 AP\_019 - Perspective View 02  
 AP\_020 A Perspective View 03  
 AP\_021 - Perspective View 04  
 AP\_022 - Perspective View 05  
 AP\_023 - Perspective View 06  
 AP\_024 - Perspective View 07  
 AP\_025 - Perspective View 08  
 AP\_026 - Perspective View 09

SA\_1\_01001 - Proposed External View 1  
 SA\_1\_01002 - Proposed External View 2  
 SA\_1\_01010 C Shadow Study 1  
 SA\_1\_02001 C Proposed Ground Floor Plan  
 SA\_1\_02002 D Proposed First Floor Plan  
 SA\_1\_02003 D Proposed Second Floor Plan  
 SA\_1\_02004 D Proposed Third Floor Plan  
 SA\_1\_02005 D Proposed Fourth Floor Plan  
 SA\_1\_02006 D Proposed Fifth Floor Plan  
 SA\_1\_02007 D Proposed Roof Plan  
 SA\_1\_03001 D Proposed North East & South East Elevations  
 SA\_1\_03002 D Proposed North West & North East Elevations  
 SA\_1\_03003 D Proposed West & South West Elevations  
 SA\_1\_04001 C Proposed Sections A-A & B-B  
 SA\_2\_02001 B Proposed Ground and Typical Upper Floor Plans  
 SA\_2\_03001 C Proposed East & South Elevations  
 SA\_2\_03002 C Proposed South East & South West Elevations  
 SA\_2\_04001 C Proposed Sections A-A & B-B  
 SA\_3\_02001 C Proposed Ground and Typical Upper Floor Plans  
 SA\_3\_03001 B Proposed Elevations  
 SA\_3\_04001 B Proposed Sections A-A & B-B  
 LLD913/01 Landscape Masterplan  
 LLD913/02 Tree Constraints  
 LLD913/03 Tree retention and Protection plan  
 Existing Tree Schedule 26.02.16  
 LLD913/102 Walled Garden hard and soft landscape  
 LLD913/101 and LLD913/ Hard and soft general arrangement  
 170013264/RS/SR Flood Risk Assessment - Revision

0938/ATR/001 Rev C Allotment Access Swept Path Analysis  
 0938/ATR/003 Rev A Felpham Way Access Swept Path Analysis of a large car  
 0938/ATR/004 Rev A Felpham Way Access Swept Path Analysis of bus and articulated vehicle  
 0938/D/001 Rev B Access Junction Proposed Drainage  
 0938/D/002 Rev B Felpham Way Access Existing and Proposed Gully Catchment Areas  
 0938/GA/001 Rev G Felpham Way Access Simple Junction Option (Left in Left Out)  
 0938/GA/002 Rev B Access Junction Site Clearance  
 0938/RP/001 Rev B Access Junction Kerbs and Finishes  
 0938/RP/003 Rev B Access Junction Contours

0938/RP/004 Rev B	Access Junction Isopachytes
0938/RP/005 Rev B	Long Sections
0938/S278/001 Rev C	Section 278/38 Agreement Drawing/Layout Plan
0938/SD/001 Rev A	List of West Sussex County Council Standard Details
0938/SD/002 Rev C	Sign Specification and Post Foundations
0938/TS/001 Rev C	Signs, Road Markings and Street Lighting
0938/TS/002 Rev C	Signs, Road Markings and Street Lighting
0938/UD/003 Rev C	EDT Access Junction Existing Utilities

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

- 4 Means of vehicular access to the site shall be from Felpham Way only.

Reason: In the interests of road safety.

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan, as listed in Condition 2. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 8 During the construction of the development no machinery, vehicles or plant shall be operated on the site and no construction deliveries shall take place, except between the

hours of:

8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 9 No part of the development shall be first occupied until an amended version of the existing University Sustainable Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 10 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 11 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 12 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent

to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 13 No deliveries or despatches by commercial vehicles shall be taken or despatched from the site outside the following times (7.00am - 6.00pm Mondays to Saturdays), nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of amenity in accordance with the Arun District Local Plan Policies GEN7 and GEN32.

- 14 External lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

Reason: In the interests of amenity in accordance with the Arun District Local Plan Policies GEN7 and GEN33.

- 15 Construction work shall not begin until a scheme for protecting the nearest noise sensitive dwellings from noise during the construction process has been submitted to and approved in writing by the Local Planning Authority and then implemented for the duration of the development.

Reason: In the interests of amenity in accordance with the Arun District Local Plan Policies GEN7 and GEN32.

- 16 The developer must submit to for approval in writing by the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Reason: To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 17 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 18 No Students residing in the student accommodation hereby approved will be permitted to keep a car on site. The University will manage this through a 'No Car' clause in the student tenancy agreement. Prior to commencement a copy of the standard tenancy agreement will be submitted for approval in writing by the Local Planning Authority.

Reason: The development is subject to maximum parking standards where parking is limited and alternative means of transport are provided as secured in the Travel Plan.

- 19 No roof plant shall be installed or located on any roofs without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity in accordance with the Arun District Local Plan Policies GEN7.

- 20 The flat roofs on the student accommodation blocks are not to be used as amenity space/balconies at any time.

Reason: In the interests of amenity in accordance with the Arun District Local Plan Policies GEN7

- 21 Any works to trees or vegetation clearance on the site should only be undertaken outside the bird breeding season which takes place between 1st March and 1st October. If works on trees are required within the breeding season a CIEEM ecologist will need to check the site before any works take place (within 24hours of any works taking place).

Reason: In the interests of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 22 There is a requirement for 4 bat roosting structures to be located on/around appropriate parts of the buildings. Appropriate designs can be found in the publication "Designing for biodiversity: a technical guide for new and existing buildings".

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 23 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The landscape scheme should maximize the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. This should be plotted in plan and list form and in relation to the trees and vegetation being retained. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 24 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of

services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 25 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 26 No development shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 27 No development shall commence until the exact location of the rising main and foul sewer pipe, which is known to cross the site has been identified. A plan identifying the locations of Southern Water Infrastructure must be submitted that identifies the locations of the pipe run and a 5m easement from the centre line of the pipe must be submitted to the Local Planning Authority in writing for their written approval that work can commence. Any addition pipework or Southern Water infrastructure found during construction should be investigated to ascertain its condition, the properties served, and potential means of access before further works commence on site.

Reason: To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan and in the interests of protecting Southern Water Drainage infrastructure.

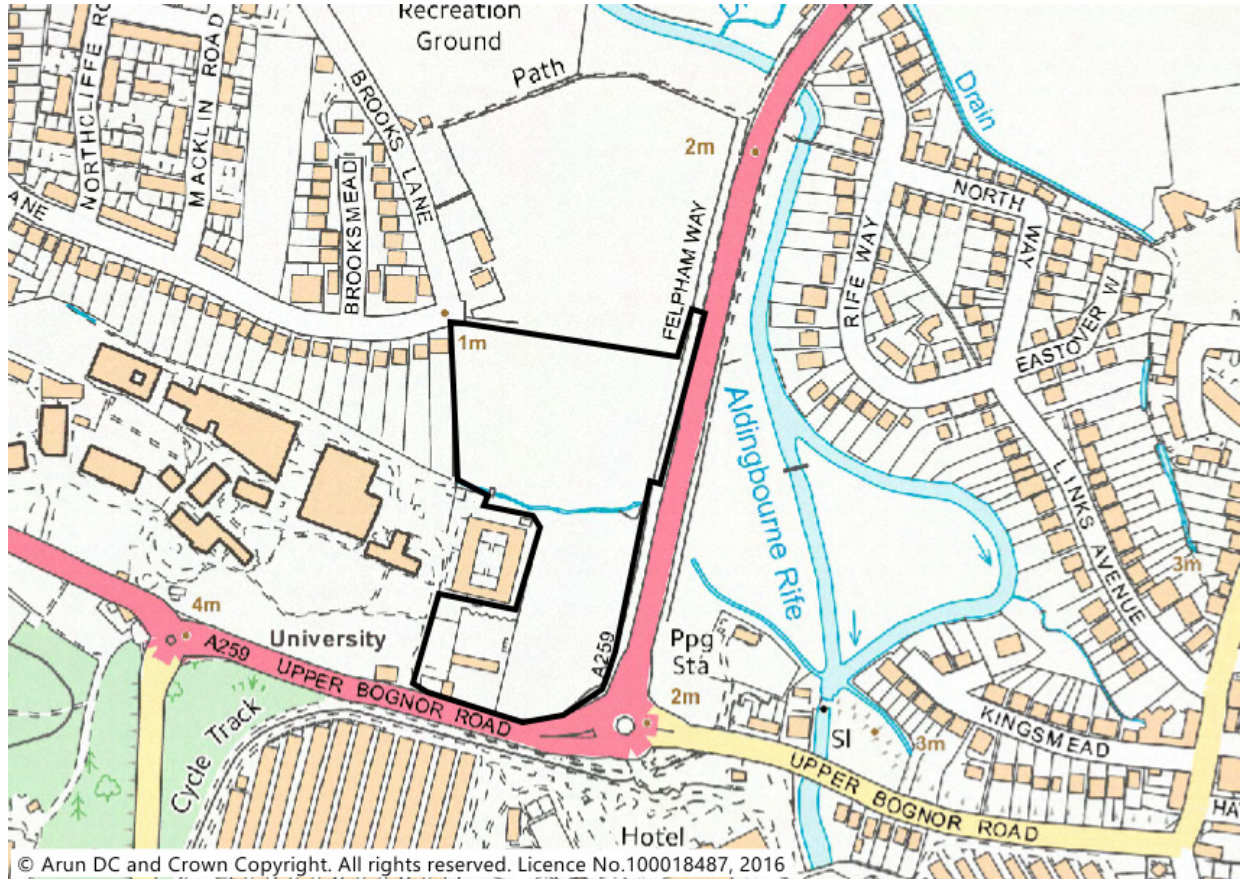
- 28 A copy of the BREEAM excellent rating certificate that applies to the Technology Park Building hereby approved, must be submitted to the Local Planning Authority within 6 months of completion.

Reason: To ensure the Technology Building is built in accordance with the approved design.

- 29 **INFORMATIVE:**" The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

**BR/54/16/PL Indicative Location Plan**  
**(Do not Scale or Copy)**

*(All plans face north unless otherwise indicated with a north point)*



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**PLANNING APPLICATION REPORT****REF NO:** BR/107/16/PL**LOCATION:** 15 Devonshire Road  
Bognor Regis  
PO21 2SY**PROPOSAL:** Retrospective application for the change of use from single dwelling (C3 Dwelling Houses) to HMO (Sui Generis).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fence to either side boundary. 1.3m wall to front and hedge.
SITE CHARACTERISTICS	Detached two storey dwelling. Driveway with parking to front and garden to rear.
CHARACTER OF LOCALITY	Residential road formed of detached two storey dwellings.

**RELEVANT SITE HISTORY**

BR/118/10/	2 storey side extension providing 2 extra bedrooms and self contained annexe at ground floor level replacing existing garage	ApproveConditionally 13-07-2010
BR/504/86	Conversion into four starter unit flats	Refused 12-01-1987

Two storey side extension approved in 2010.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Objection on the grounds that this application is out of keeping with the surrounding residential area. Approval of this application will be detrimental to the area which already has issues with anti-social behaviour and parking. In addition the property is not fit for purpose as there are insufficient facilities.

24 letters of representation received, objecting on the grounds of:-



- \* Anti-social behaviour and noise and disturbance form the use
- \* The property is not kept well as an HMO
- \* Lack of bin storage
- \* Insufficient off street parking provision
- \* 8 units being too much for the site

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments from the Town Council are noted. Whilst only three parking spaces are provided to the front of the house the property is in a sustainable location within close proximity to town centre, as well as shop and bus services. Therefore the absence of parking provision is not considered to constitute justification for refusal. Furthermore there maybe single dwellinghouses where up to 6 adults are present which would create similar parking demands without the need to obtain planning permission. There have been no external changes to the property are proposed and it is still a residential use, as such the HMO use is not considered to be out of character.

The increased occupancy is acknowledged as having the potential to give rise to additional noise and disturbance but this is not considered to be significant enough to justify refusal as the same could be said of dwellings occupied by 6 adults. The proposal is not considered to constitute overdevelopment of the site.

In response to the letters of objection:

- The site is considered to be located in a sustainable location within close proximity to the town within walking distance of shops and bus services. Therefore, the absence of a suitable amount of off street parking is not considered to have an unacceptable affect on the character of the area.
- There is space for the bins in the rear garden and front driveway, additional details are needed for the bin storage.

Issues will also be addressed in the 'CONCLUSIONS' section.

**CONSULTATIONS**

Environmental Health

**CONSULTATION RESPONSES RECEIVED:**

HMO Officer

No Objections, however it is recommended the developer/applicant contacts the HMO Officer to discuss the requirement for additional space/facilities in the kitchen for the proposed number of occupants.

Given the number of bedrooms there is a requirement for additional cooking facilities, sinks, cupboard space etc in the kitchen.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. The applicant will need to contact the HMO Officer about kitchen facilities.

**POLICY CONTEXT**

Designation applicable to site:

Built up area boundary

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN32	Noise Pollution
Publication Version of the Local Plan (October 2014):	H SP4	Houses in Multiple Occupation
	SD SP2	Built-Up Area Boundary
	D DM2	Internal Space Standards
	QE DM1	Noise Pollution
	T SP1	Transport and Development

## PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. None of the Bognor Regis NDP policies are relevant to this application.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## CONCLUSIONS

### PRINCIPLE

Use of a House in Multiple Occupation (HMO) by 7 or more people is classified as a Sui Generis use. However, the use of the property as a HMO would require a licence to be granted by the Council's Environmental Health Department. Therefore, the number of individuals residing within and the manner of occupation of the HMO is considered to be adequately controlled by Environmental Health legislation.

Confirmation has been provided by the applicant stating that no more than 10 individuals will reside within the HMO at any one time a condition has been included to control the extent of the use at the site.

The emerging Local Plan policy H SP4: Houses in Multiple Occupation states:-

"Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where they:

- a. Do not adversely affect the character of the area
- b. Do not contribute to the over concentration of HMOs in a particular area
- c. Do not contribute to the generation of excessive parking demands or traffic in an area
- d. Provide adequate areas of open space"

The HMO being created has not changed the property externally so it is not considered the retention of the HMO adversely affects the area. Furthermore, it will still be in residential use and will be the only HMO in the road in line with policy H SP4. There is also not considered to be an over concentration of HMOs in the area. The property is located within the built up area boundary in close proximity to the town centre. The site has an existing rear garden and as such open space is provided. As such the development is considered to be acceptable in principle.

### NEIGHBOUR AMENITY

The change of use of the property as an HMO may lead to an increase in noise/use of the property. However, this is not considered to be such an increase that it would lead to significant harm to neighbouring residential amenity. Anti-social; behaviour arising from the site's use can be dealt with by Sussex Police.

**PARKING**

The site is within a town centre location which is considered highly sustainable in terms of public transport. As such it is not considered that the use of the property as an HMO increases the demand for on street parking to an unreasonable level which could result in highways danger.

**RESIDENTIAL AMENITY**

Policy D DM2 of the Emerging Local Plan requires that in the case of HMO's the Council refer to the advice of Environmental Health. This has been done in this case and an informative is proposed to cover their observations.

**BIN STORAGE**

Details in relation to bin storage have been provided as part of this application, they show the storage as to the rear of the house. However, more detail is needed and as such a condition has been included requiring the submission of this information for approval prior to the commencement of the use.

**SUMMARY**

It is recommended that planning permission is granted for the proposed development subject to the below conditions.

**HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

**RECOMMENDATION**

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be retained in accordance with the following approved plans:

185/01 A  
185/03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The House in Multiple Occupation (HMO) hereby approved shall be occupied at any one time by a maximum of 10 people.

Reason: In the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Within two calendar months of the granting of this permission details of bin storage at the site shall be submitted to and approved by the Local Planning Authority and the details so approved shall be implemented within two months of the approval of the details and maintained in perpetuity.

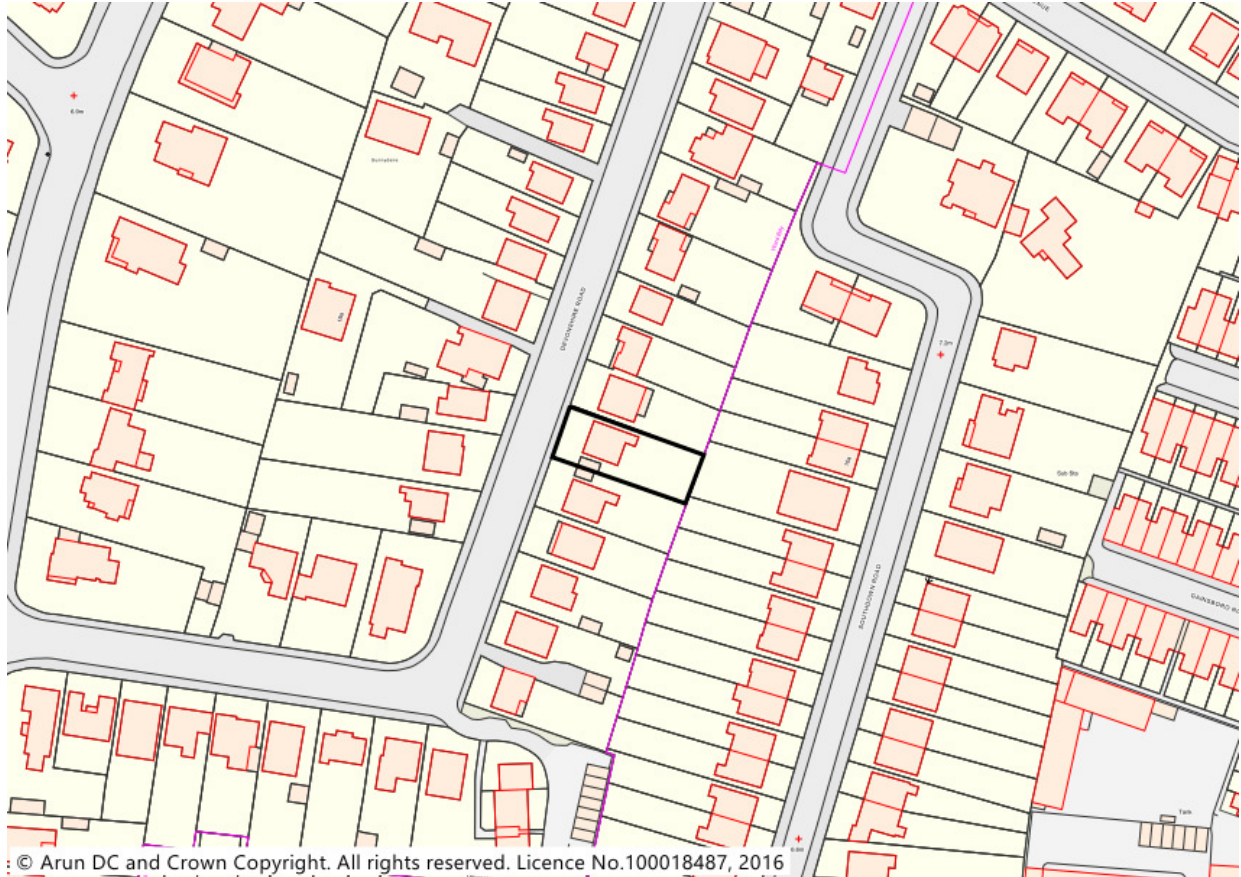
In the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: There is a requirement to obtain a mandatory HMO licence full details of this can be found on the Arun District Council website at <http://www.arun.gov.uk/hmo>.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**BR/107/16/PL Indicative Location Plan**  
**(Do not Scale or Copy)**

*(All plans face north unless otherwise indicated with a north point)*



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**PLANNING APPLICATION REPORT****REF NO:** AL/41/16/PL**LOCATION:** Church Farm  
Oving Road  
Aldingbourne  
PO20 3UB**PROPOSAL:** Replacement of 1 No. dwelling.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The dwelling would be two storey with rooms in the roof served by small dormer windows. Single storey attached double garage, swimming pool enclosure and pavilion to sides and raised terrace to rear. The proposed property has been designed to reflect regency and Georgian country houses styles with red brick quoins and solidier coursing with mixed flint walls and traditional style painted timber windows.
SITE AREA	4.23 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Various trees, 1.5m flint wall to east boundary (facing Oving Road).
SITE CHARACTERISTICS	Large detached, two storey dwelling, located centrally in the site. Existing two storey front garage element with half hipped roof. The main property has a gable end roof. There are also existing outbuildings and stables on the site, a tennis court which is partially enclosed by a wall and an outdoor swimming pool. The site is part of a former farm.
CHARACTER OF LOCALITY	Rural locality, sparse amount of residential dwellings. Some listed buildings located approximately 150m away to the south west of the existing property.

**RELEVANT SITE HISTORY**

AL/114/15/PL	Demolition of the existing garage & out-house & construction of single storey front extension.	ApproveConditionally 18-01-2016
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AL/15/90	Conversion of existing cow shed into courtyard studio	App Cond with S106 12-06-1990
AL/27/61/A	House and double garage	Approve 02-01-1963

Extensions to existing property granted in January of this year for:-

"Demolition of existing two storey front garage extension. Replacement single storey front extension with one gable roof element, one hipped roof element with flat roof link to single storey extension to cover the existing swimming pool also with a flat roof. A new garden wall area is proposed to the front of the proposed extension over the swimming pool."

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

The Parish Council objects to this application. The design is not in keeping in a rural area and not sympathetic to any historical or current surrounding properties of character. Policy H2 of the emerging Aldingbourne NDP refers.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Given the design of the property reflects that of traditional country houses, it is considered to be in character with the rural location and is actually of a more noted countryside style than the existing property. It is similar to the size and in the same location as the existing property and as such the impact on the existing listed buildings to the south west is considered to be very similar to that of the current property.

The Parish objection refers to emerging policy H2 of the Aldingbourne NDP which can only be given very limited weight given its unmade status. However, even with consideration for this policy, it is not considered directly relevant as the policy relates to housing mix and providing various types and tenures of housing on larger schemes. This application is for a replacement detached singles family dwelling. There is no opportunity to promote housing mix.

## CONSULTATIONS

Engineering Services Manager  
Engineers (Fluvial Flooding)

### CONSULTATION RESPONSES RECEIVED:

DRAINAGE AND FLOODING ENGINEER

Please could the applicant provide more detailed information on the flood resistant and resilient measures to be incorporated into the building at ground floor level. Proposals to increase the floor level are acceptable.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Additional details of how flood prevention measures will be incorporated have been provided and the Drainage Engineer is satisfied with these.

## POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary.



**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN3	Protection of the Countryside
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	SD SP2	Built-Up Area Boundary
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design
	HER SP1	The Historic Environment
	HER DM1	Listed Buildings
	T SP1	Transport and Development
	W DM2	Flood Risk

**PLANNING POLICY GUIDANCE**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Aldingbourne NDP is not made so cannot be given full weight as it is not a made plan.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area or impinge of the open character of the countryside.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## **CONCLUSIONS**

### **PRINCIPLE**

The property and its site are located outside of the built up area boundary, where policy seeks to restrict development. However, as this application is for a replacement dwelling, in this instance the principle of this proposal is acceptable. The main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are considered to be policy GEN7 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

### **DESIGN AND VIUSAL AMENITY**

The proposed dwelling would not be readily visible from the street scene with only sections of the roof and first floor visible. The proposed dwelling is considered to be an improvement in appearance to the existing property which is of no architectural merit and includes little detailing to reflect the rural character of the site. The proposed property would include traditional lead, flint and timber materials with solider course and coin detailing. The design of the property reflects that of traditional country houses, it is considered to be in character with the rural location and is actually of a more notable countryside style than the existing property. It is similar to the size and in the same location as the existing property and as such the impact on the existing listed buildings to the south west is considered to be very similar to that of the current property.

### **IMPACT ON NEIGHBORUING RESIDENTIAL AMENITY**

There are no direct neighbouring properties (the nearest is more than 150m away) and the size of the proposed dwelling will be similar to that of the existing. As such, there will be a very limited impact on neighbour amenity.

## FLOOD RISK

Appropriate flood mitigation measures have been proposed to be included in the design of the new property, The site is not considered to be a high risk area and is not located within the Lidsey Catchment Area. As such it is not considered the proposal would create flood risk or be at significantly risk of flooding.

## PARKING

The proposed 7 bedroom property will retain an extensive driveway to front and have a double garage to side. As such it is considered that a significant amount of off-street parking will be provided on site in line with WSCC Parking standards.

The application is recommended for conditional permission.

## HUMAN RIGHTS ACT

### FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

## RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

SK 04  
SK 05B  
SK 06A  
SK 07A  
SK 08A  
SK 09B  
SK 10A

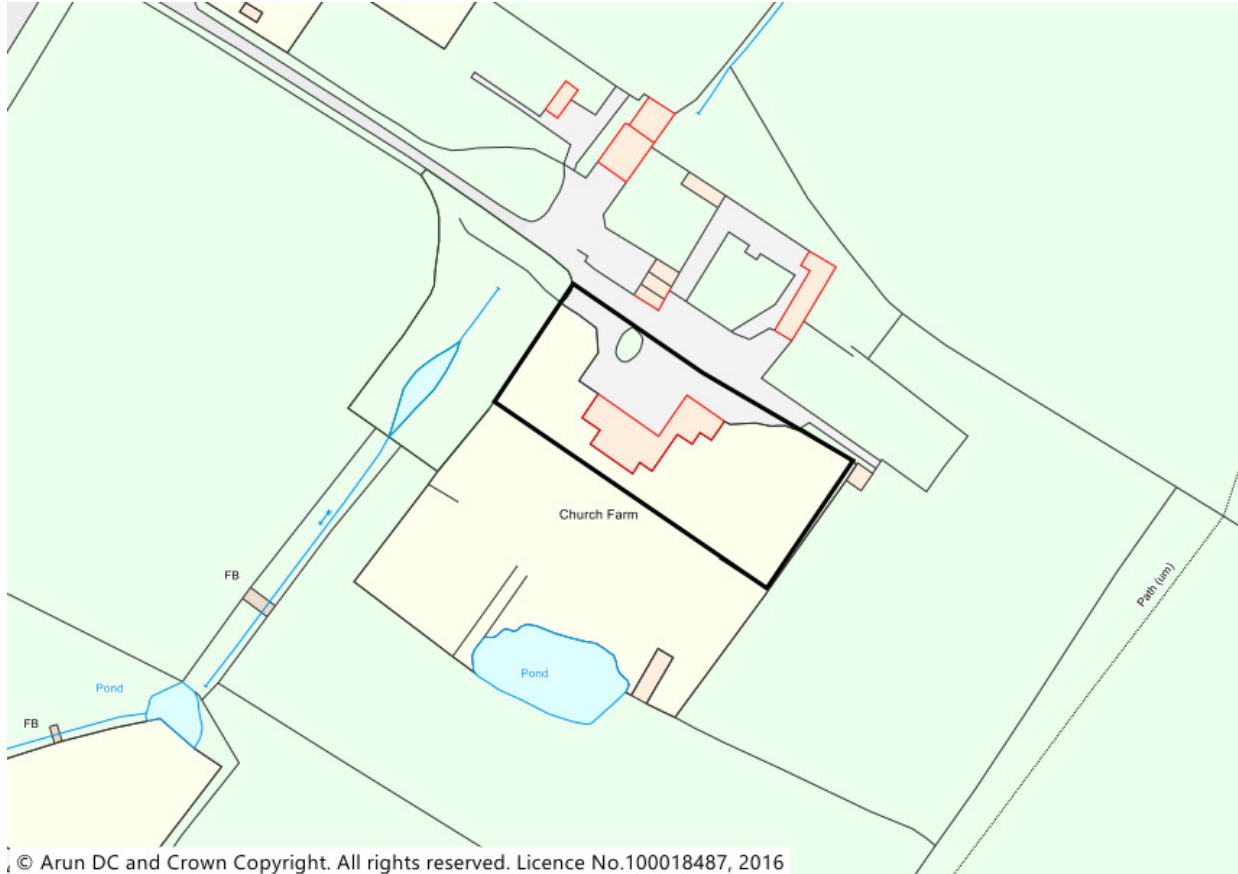
Email and attachments dated 20th May 2016 from haydn@savillejones-architects.com  
Email dated 23rd May 2016 from haydn@savillejones-architects.com

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**AL/41/16/PL Indicative Location Plan**  
**(Do not Scale or Copy)**

*(All plans face north unless otherwise indicated with a north point)*



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**AGENDA ITEM 9**

**DEVELOPMENT CONTROL COMMITTEE**

**13 July 2016**

**PLANNING APPEALS**

# **APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS**

## **Appeals Awaiting a Decision**

**AB/115/14/OUT**

*Received:* 24-02-2015

12 & 14 Canada Road Arundel

Outline application with some matters reserved for 2 No. 3 bed semi detached houses

### ***Written Representations***

**PINS Ref:** APP/C3810/W/15/3003824

**AL/106/15/OUT**

*Received:* 28-04-2016

Land west of Oaktrees Fontwell Avenue Eastergate

Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.

### ***Written Representations***

**PINS Ref:** APP/C3810/W/16/3143757

**AL/120/15/PL**

*Received:* 11-05-2016

The Dairy Sack Lane Aldingbourne

Demolition of existing barns & structures, removal of concrete & hard standing, construction of 3No. live/work units and associated gardens, parking & creation of a new area of pasture land. Departure from the Development Plan. Resubmission following AL/83/15/PL.

### ***Written Representations***

**PINS Ref:** APP/C3810/W/16/3148035

**BE/9/16/A**

*Received:* 26-04-2016

Southern Cross Trading Estate 5 Oldlands Way Bersted

5 No. non-illuminated fascia signs, 2 No. internally illuminated fascia signs, 3 No. non-illuminated poster frames & 1 No. non-illuminated forecourt sign on various elevations.

### ***Written Representations***

**PINS Ref:** APP/C3810/Z/16/3148665

**BR/163/15/PL**

*Received:* 24-05-2016

Royal Norfolk Mews West Street Bognor Regis

Phase II development of Norfolk Mews to provide 4 new dwellings (a terrace of 3 & a detached dwelling), associated car parking for 8 cars & landscaping. Access will be through the existing access of West Street - This application affects the character and appearance of The Steyne & Waterloo Square Conservation Area

### ***Written Representations***

**PINS Ref:** APP/C3810/W/16/3148376

**BR/201/15/PL**

*Received:* 08-04-2016

56 Linden Road Bognor Regis

Demolition of existing property & erection of 6 No. flats.

### ***Written Representations***

**PINS Ref:** APP/C3810/W/16/3144734

**BR/211/15/PO**

*Received:* 07-04-2016

43 Rock Gardens Bognor Regis

Application to discharge planning obligation dated 19/4/84 reference BR/1078/83, restricting the occupation of the flat to persons of 65 years of age or over.

***Written Representations***

**PINS Ref:** APP/C3810/Q/16/3142811

**BR/262/15/PL**

*Received:* 08-04-2016

32 Victoria Drive Bognor Regis

Conversion of existing garage to create 1 No. one bedroomed flat (resubmission following BR/144/15/PL).

***Written Representations***

**PINS Ref:** APP/C3810/W/16/3144398

**EP/163/15/DOC**

*Received:* 17-05-2016

12 Tamarisk Way East Preston

Application for approval of matters reserved by condition imposed under EP/4/15/HH relating to condition 3 for schedule 1 materials & finishes to be used for roof.

***Written Representations***

**PINS Ref:** APP/C3810/D/16/3148367

**FG/26/15/OUT**

*Received:* 03-11-2015

Eastlands Littlehampton Road Ferring

Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

***Informal Hearing***

**14-06-2016**

**PINS Ref:** APP/C3810/W/15/3132939

**FG/84/15/PL**

*Received:* 03-11-2015

Eastlands Littlehampton Road Ferring

Temporary stationing of 1 No. residential caravan for 3 years.

***Informal Hearing***

**14-06-2016**

**PINS Ref:** APP/C3810/W/15/3135188

**LU/55/15/OUT**

*Received:* 10-05-2016

Land South of The Littlehampton Academy Littlehampton

Application for outline planning permission with some matters reserved for 68 No. dwellings (resubmission following LU/51/14/

***Informal Hearing***

**PINS Ref:** APP/C3810/W/16/3147195

**WA/22/15/OUT**

*Received:* 20-01-2016

Land to the East of Fontwell Avenue Fontwell

Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light



industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.

**Public Inquiry**

**01-11-2016**

**PINS Ref:** APP/C3810/V/16/3143095

**Y/60/14/OUT**

*Received:* 17-11-2014

Land to the south of Ford Lane East of North End Road Yapton Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan.

**Public Inquiry**

**07-07-2015**

**PINS Ref:** APP/C3810/A/14/2228260

**ENF/236/14/**

*Received:* 12-08-2015

Highdown Hill Farm Hangleton Lane Ferring  
Alleged unauthorised change of use.

**Public Inquiry**

**10-05-2016**

**PINS Ref:** APP/C3810/C/15/3103251

**ENF/199/15/**

*Received:* 03-11-2015

Eastlands Littlehampton Road Ferring West Sussex  
Alleged unauthorised breach of Condition 1 of FG/41/14/PL

**Informal Hearing**

**14-06-2016**

**PINS Ref:** APP/C3810/C/15/3135180

**ENF/192/14/**

*Received:* 30-11-2015

Eastlands Littlehampton Road Ferring  
Alleged unauthorised car ports and gazebo

**Informal Hearing**

**14-06-2016**

**PINS Ref:** APP/C3810/C/15/3132558

**LOCATION:** Willow Court 52-58 Woodlands Avenue Rustington

**SUBJECT:** Relocation of bin store from internal to external & relocation of cycle store.

**Planning Application Reference:** R/151/15/PL

**Appeal Decision:** Allowed+Conditions

**Date:** 01 June 2016

**Appeal Procedure:** Written Representations

**Application Decision:** Refused

**Date:** 07 September 2015

**Decision Process:** Delegated

**Original Officer Recommendation:** Refuse

**KEY ISSUES**

The main issues were defined by the Inspector as the effect of the proposal on the character and appearance of the locality and on the living conditions of occupiers of Willow Court, with regard to outdoor amenity space.

The Inspector considered the bin store would be roughly in line with the building line of the nearest part of Willow Court and the cycle store would be located behind and due to this siting they would blend into the street scene and being limited in height would relate appropriately to the main apartment block. With the retention of existing trees and additional landscaping the Inspector concluded there would be no adverse impact on the character and appearance of the locality.

With regard to living conditions it was acknowledged that the amount of usable private sitting out space for residents would be reduced. As there may be odours and activity in the vicinity of the proposed structures, with a pedestrian path crossing the remaining small area of open space, the area's suitability as a private sitting out space would be compromised. However it was considered that the proposed bin store would mainly block views from Wakehurst Place and a landscaping condition could ensure more effective screening on the boundary with adjacent properties. Even though the amount of usable outdoor amenity space would be reduced, some would remain, both in the vicinity of the appeal proposal and within the development generally and the Inspector concluded there was no substantive evidence to demonstrate that the remaining sitting out space would be insufficient.

**APPLICATION FOR COSTS MADE/REASON**

None

**COSTS AWARDED**

N/A

**Background Papers:** R/151/15/PL

**Contact:** Mrs A Gardner

**Telephone:** 01903 737529

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## Appeal Decision

Site visit made on 4 May 2016

**by RM Barrett BSc (Hons) MSc Dip Hist Cons Dip UD MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1<sup>st</sup> June 2016**

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**Appeal Ref: APP/C3810/W/16/3142198**

**Willow Court, Woodlands Avenue, Rustington, West Sussex BN16 3EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Simon Parker against the decision of Arun District Council.
  - The application Ref R/151/15/PL, dated 16 June 2015, was refused by notice dated 7 September 2015.
  - The development proposed is relocation of bin store from internal to external and relocation of cycle store.
- 

### Decision

1. The appeal is allowed and planning permission is granted for relocation of bin store from internal to external and relocation of cycle store at Willow Court, Woodlands Avenue, Rustington, West Sussex BN16 3EY, in accordance with planning permission Ref R/151/15/PL, dated 16 June 2015, subject to the conditions set out below:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CDA-020-054; CDA-020-055.
  - 3) No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) No development shall take place until full details of both hard and soft landscape works in the area of the approved development have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting around the approved structures and pedestrian access.
  - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

## **Procedural Matters**

2. I have used the Council's description of development as this more accurately describes the appeal proposal. Furthermore, even though the address of the appeal development is indicated as 52 Willow Court on the application form, from my site visit, it was clear to me that it relates to Willow Court generally. This is reflected in my formal decision.
3. On my site visit it was clear that the development had been partially carried out. However, as it had not been completed, I am determining this appeal on the basis of the plans before me.

## **Main Issues**

4. The effect of the appeal proposal on the character and appearance of the locality and on the living conditions of occupiers of Willow Court, with regard to outdoor amenity space.

## **Reasons**

### *Character and Appearance*

5. The appeal site includes a recently constructed three storey apartment block. It sits at the junction of Woodlands Avenue and Wakehurst Place. The character and appearance of the locality is generally residential, comprised of buildings of different type and design. Trees and planting between properties add to a generally verdant quality of the locality, to which the planting at the appeal site contributes.
6. The proposed bin store would be roughly in line with the building line of the nearest part of Willow Court, with the proposed cycle store located behind. Due to this siting, they would blend in with the street scene. Both being limited in height, they would relate appropriately to the main apartment block. The appeal plans indicate that some trees behind the proposed cycle store would remain, sufficient to retain some interest and screening. Further, even though proposals for the trees on the boundary in front of the proposed bin store are not confirmed on the appeal plans, this could be controlled by a suitably worded planning condition.
7. A previous extant planning permission showing a sub-station sited in front of the main apartment block with a cycle store behind is brought to my attention (Ref R/149/07). The appellant confirms that the substation is not required. This reduces the weight that I accord that element of that planning permission as a fallback position.
8. However, overall, I conclude that the appeal development would not adversely affect the character and appearance of the locality and would generally accord with GEN7 of the Arun District Local Plan (2003) (LP) and Policy 2 of the Rustington Neighbourhood Plan (2015) (NP). These, together, state that planning permission will only be granted for schemes displaying high quality design and layout and require all housing schemes to reflect the local character of different parts of the parish. It would also accord with emerging Policy D DM1 of the Arun Local Plan Publication Version (2011-2031) (eLP), which requires new development to reflect or improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout,

density, building materials (colour, texture), landscaping, and design features. As that document is not adopted, that limits the weight I accord its policies.

### *Living Conditions*

9. The appeal proposal would reduce the amount of usable private sitting out space for the residents of Willow Court. As there may be odours and activity in the vicinity of the proposed structures, with a pedestrian path crossing the remaining small area of open space, the area's suitability as a private sitting out space would be compromised. However, the proposed bin store would mainly block views from Wakehurst Place and a landscaping condition could ensure more effective screening on the boundary with the adjacent properties. Even though the amount of usable outdoor amenity space would be reduced, some would remain, both in the vicinity of the appeal proposal and within the Willow Court site generally. I have no substantive evidence to demonstrate that the remaining sitting out space would be insufficient. Furthermore, the cycle store proposed in the extant planning permission brought to my attention (Ref R/149/07) would result in some level of activity in this area of the appeal site. For all these reasons, I find the appeal proposal acceptable.
10. I conclude that the appeal proposal would not materially affect the living conditions of the residents of Willow Court, with regard to outdoor amenity space. For this reason, it would generally accord with LP Policy GEN7, NP Policy 2 and eLP Policy D DM1.

### **Conditions**

11. I have considered the conditions suggested by the Council. I have agreed to all, subject to minor amendment to wording to ensure consistency with paragraphs 203 and 206 of the National Planning Policy Framework, and Planning Practice Guidance: Use of Planning Conditions. Standard planning conditions to control the timing of development and conformity with the approved plans are necessary for clarity and in the interest of proper planning. Conditions to control external materials and hard and soft landscaping, including its maintenance, are necessary to ensure that the development blends in to the locality.

### **Conclusion**

12. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be allowed.

*R. Barrett*

INSPECTOR

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 13 JULY 2016

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Decision Paper

Subject : Arun Horticulture Sector: Local Development Order – Response to Statutory Consultation

Report by : Karl Roberts Report date: 22 June 2016

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EXECUTIVE SUMMARY

Earlier this year the Committee considered a draft Local Development Order (LDO) for Horticultural development. The consultation took place during April and May and received a total of 102 representations. This report recommends changes to the draft LDO in response to those representations.

The main changes are in respect of draft LDO areas 1, 4 and 8 at Barnham, Woodgate and Binsted respectively.

Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.

Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.

The Council has embraced the use of Local Development Orders (LDO), in respect of land at Butlins and is progressing this potential for Enterprise Bognor Regis, householder extensions.

To recap, this proposal is to create an LDO that will focus on areas already used extensively by the horticultural industry within the Arun Local Plan area (Arun District Council administrative area excluding land within the boundary of the South Downs National Park).

The value of the horticulture sector to the local economy is recognised and supported in the Arun Local Plan (2011 – 2031) and the Council's Economic Strategy to 2026.

The Council agreed to the preparation of a Local Development Order for the Horticulture Sector in 2015. Funding for this project was secured with support from the Department for Environment, Food and Rural Affairs (DEFRA).

Reading Agricultural Consultants have, on behalf of the Council, analysed the representations received and a summary document is appended as Appendix 2 with the key to the representations at Appendix 1. A final version of the Horticulture – Local Development Order 2016 is appended as Appendix 3. This version has tracked changes to show the proposed alterations.

LDOs are recognised in the National Planning Policy Framework (NPPF) as a means of relaxing planning controls in appropriate areas, to promote economic, social or environmental gains, such as boosting enterprise.

The scope of the LDO has been worked up to ensure an appropriate balance between risk and control mechanisms. The LDO aims to cover those cases where the Council almost always approves an application having gone through the full planning application processes.

The LDO will be implemented for a period of 10 years from the date of its adoption. Regular monitoring of the progress of development within the areas identified in the LDO will inform the case for review.

In preparing the draft LDO the Consultants have engaged with a range of statutory agencies, business, landowners and developers that may be affected by the LDO. The result of this informal consultation has informed the draft LDO attached.

## RECOMMENDATIONS TO FULL COUNCIL

- 1) The Director of Planning & Economic Regeneration be given delegated authority to make any minor changes to the final documents.
- 2) To adopt and publish the Arun Horticulture - Local Development Order as amended.
- 3) Authorise copies of the required documents being sent to the Secretary of State for Communities and Local Government.

### 1.0 BACKGROUND AND PROPOSALS

1.1 For information purposes a lot of the following has been taken from the March Committee Report.

1.2 In recent years the Government has promoted the use of LDOs to remove the need to apply for planning permission in certain areas and in certain circumstances to reflect local conditions. A LDO can provide greater certainty for businesses and homeowners and potentially reduce costs for the Council. The following provides more information in response to the key questions that arise with regard to LDOs. The focus of this particular LDO is areas already used extensively by the horticultural industry within the Arun Local Plan area.

- 1.3 The report previously presented to Members earlier this year (March 2016) was supported by several appendices:
- Appendix 1: Arun Horticulture – Draft Local Development Order 2016
  - Appendix 2: Procedure for Making Local Development Orders
  - Appendix 3: List of organisations and agencies to be consulted on the draft LDO
  - Appendix 4: Equalities Impact Assessment
- 1.4 Local Development Orders (LDOs) were introduced with the Planning and Compulsory Purchase Act 2004 and allow local planning authorities to remove the need for planning permission for certain specified forms of development. The Planning Act 2008 removes the requirement that LDOs must implement policies set out in adopted local development documents. The role and process of an LDO in extending permitted development rights in a Local Planning Authority area is set out in the National Planning Practice Guidance (NPPG) (March 2014).
- 1.5 LDOs are recognised in the National Planning Policy Framework (NPPF) as a means of relaxing planning controls in appropriate areas, to promote economic, social or environmental gains, such as boosting enterprise (paragraph 199).
- 1.6 The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended by Section 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015.
- 1.7 Section 38 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015 outlines, in paragraph (1), that if a Local Planning Authority proposes to make a LDO they shall first prepare:
- (a) A draft of the Order; and
  - (b) A statement of their reasons for making the Order.
- 1.8 Article 38, paragraph (2), of the DMPO states that the statement of reasons shall contain:
- (a) A description of the development which the Order would permit; and
  - (b) A plan or statement identifying the land to which the Order would relate.
- 1.9 The Arun Horticulture – Draft Local Development Order 2016, that meets these requirements, is set out in Appendix 3 to this report.
- 1.10 The Arun Horticultural LDO has regard to the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the European Directive 2014/52/EU. Insofar as the LDO relates to agricultural development, the Order does not permit any Schedule 2 development. This is inclusive of the requirements of Schedule 2, 1 (a): *“Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes; the*



*area of the development exceeds 0.5 hectare.”* All applications for the development of greenfield land within the LDO areas are to be screened in accordance with the requirements of Schedule 3. Development proposed in the LDO areas subject to EIA would be subject to the standard planning application procedure.

#### What Does An LDO Do?

- 1.11 Under national planning legislation certain works (eg. small household extensions) can be undertaken without having to come to the Council for planning permission. This is known as “permitted development”. Technically, planning permission is automatically granted for works falling within the specified limits by the national legislation.
- 1.12 A LDO effectively increases the range of works that can be built without having to make a specific application to the Council for planning permission. The LDO itself grants planning permission automatically for any works that comply with its requirements.
- 1.13 This means that rather than having to make an application to have the planning merits of the case considered, what the applicant would be required to do under the LDO arrangements is to provide details to allow the Council to confirm that the works legitimately fell within the terms of the Order.
- 1.14 It is proposed that this requirement is met through the submission of a Pre-Development Notification from the applicant to the Local Planning Authority (LPA) (shown at Appendix E in the Draft LDO). The procedure is subject to a timetable of 28 days from the Council’s acknowledgement of receipt of the pre-development form within which period the Council will write to the applicant or the nominated agent to confirm that either:
  - (a) The proposed development is permitted by the LDO subject to the approval of the relevant conditions.
  - (b) The Council is unable to determine whether the proposed development is permitted under the terms of the LDO and further information is required to confirm compliance.
  - (c) The proposed development is not compliant with the LDO and is, therefore, not permitted under the terms of the LDO.
- 1.15 Should the Council not respond in writing within the stated time period, the proposed development may proceed at the applicant’s risk, subject to the commencement of development requirements being met.
- 1.16 Notwithstanding the prior notification process, it is important that the Council is aware that development is proceeding within the LDO area and in accordance with the terms of the LDO. Consequently, notice of commencement of a development will be submitted to the Council by means of a prescribed form at least 10 days before development starts. The form includes a declaration by the applicant that all the relevant conditions of the

LDO are complied with or have been discharged. A copy of the prescribed Development Commencement Notice is included at Appendix F to the LDO.

- 1.17 Retrospective applications for development permitted under this LDO will not be considered by the Local Planning Authority, and will be subject to the standard planning application and enforcement procedures.
- 1.18 It is proposed that a fee of £200.00 will be charged by the Council to carry out this assessment with a response made to the applicant within 28 days of a valid form being received and acknowledged. This fee level has been determined taking account of benchmark data from PAS (Planning Advisory Service) and other LPAs, experience elsewhere and analysis of current costs in ADC for similar administrative processes.
- 1.19 If the scheme falls within the limits specified in the LDO and the associated procedures have been complied with, then it is granted planning permission by the Order without having to make a formal application to the Council. There would be no consultation by the Council with neighbours or the Parish Council and no opportunity for Members to become involved in the case. Whether we like what is proposed or not or whether the neighbours or the Parish object, they do not get considered under the LDO and there is no scope for Member involvement. In essence, it becomes an administrative matter of checking factual compliance with the LDO.
- 1.20 If the proposals are permitted by the LDO then development may proceed without further reference to the LPA. However, prior to commencement of development any relevant planning conditions, as set out in the LDO, will also need to be discharged (shown at Appendix C of the draft LDO). Local Development Orders only deal with land use planning matters, and do not remove the need to comply with other relevant legislation and regulations, such as Building Regulations.
- 1.21 If the proposals are not permitted by the LDO then the applicants still have the option of submitting a formal planning application for their proposals in the usual way. The LDO does not prevent alternative schemes coming forward as regular planning applications.

#### What Are The Benefits Of Moving To An LDO for Horticulture in Arun?

- 1.22 The “statement of reasons” set out in Section 2 of the Arun Horticulture Sector: Local Development Order identifies the main benefits. They can be summarised as:
  - (a) To help facilitate redevelopment and investment in those areas where the horticulture sector concentrated in the Arun Local Planning Area through an accelerated, simplified and more cost effective planning process.
  - (b) To build upon the positive planning framework provided by the Arun Local Plan (2003) and emerging policy as set out in Policy HOR DM1 of the Arun Local Plan (Publication Version 2014).

- (c) Currently, within the District, there is a range of individual horticultural circumstances which give rise to differing planning requirements dependent upon the size of holdings and nature of particular development requirements. One of the purposes of the LDO is to reduce or remove this differential element in planning circumstances and provide horticultural businesses within the defined LDO area with a greater degree of certainty as to the scale and nature of future developments and investments which the Council perceives as appropriate.
- 1.23 The LPA only deals with a relatively small number of planning applications for horticulture uses. However, the length of time to determine them can be between 26 and 52 weeks.
- 1.24 The processes for an application for planning permission include validating the application, publicity, consultations with the Town/Parish Council and in most cases technical consultations, site visits, professional assessment, reports being written and, in some cases, the application being considered by Development Control Committee. Inevitably all this takes weeks and costs both the Council and the applicant money. Until the decision notice is issued, the applicant has no certainty about the outcome or the timescale.
- 1.25 With an LDO, the planning application process would entail applicant's showing compliance with the LDO. The Council acting as Local Planning Authority can then decide, within a specified time frame, whether or not the proposals are permitted by the LDO.
- 1.26 This should reduce the time the Council has to spend on the application and reduces other operating costs for both the Council and consultees. The Authority would lose the planning application fee, but under the arrangements the Council are proposing a levy is charged to cover costs, where the applicant makes use of the Pre-Development Notification process.
- 1.27 In the event that the Pre-Development Notification process determines that a normal planning application is required it is proposed that the fee received to validate compliance against the LDO be transferred to the required planning application (provided the applicant proceeds with an application). This will ensure that the applicant does not have to pay twice for the same proposal.

#### What Would The LDO Apply To?

- 1.28 The LDO would now apply to 10 specific areas in the LPA (as two have been deleted) each defined by a "bold black line" boundary. Appendix A of the draft LDO shows the individual sites in detail and they are described in an Appendix to the draft LDO.
- 1.29 The permitted development to be allowed by the draft LDO and the development parameters are detailed in Section 5 of the draft LDO.
- 1.30 The permitted development shall comprise works to:

- (a) Renew, replace or extend existing areas of glasshouses or polytunnels;
  - (b) Upgrade areas of polytunnels to glasshouses;
  - (c) Renew, replace or extend existing packhouse and distribution buildings
  - (d) Construct water storage reservoirs; and/or
  - (e) Provide engineered operational services or access routes (including parking areas) and plant/structures external to any proposed glasshouse, polytunnel or packhouse where these are essential to the proper functioning of the glasshouse, polytunnel, or packhouse and/or comply with development parameters or conditions set out in the Order.
- 1.31 Development proposals for permitted uses will be able to proceed without a planning application, subject to compliance with these parameters, the design guide and the discharge of relevant planning conditions listed in the Order. A key element of the development parameters (shown at Tables 1-5 in the draft Order) is to ensure both flexibility for horticulture businesses while aiming to ensure that the permitted development fits into the local landscape, environmental impacts are mitigated and, where necessary, local amenity is maintained.
- 1.32 A design guide is included in the draft LDO (shown at Appendix D to the draft LDO). The purpose of the design guide is to ensure that a satisfactory standard of development is achieved within the proposed LDO areas. The design guide sets out flexible design guidelines for development permitted by the LDO. Its purpose is not intended to fix the 'design' of development but to establish an overarching design context for the form and layout of acceptable development.
- 1.33 Any scheme that exceeds or fails to meet the requirements of the LDO would need planning permission through the normal route. This does not mean it will not be granted, but does allow a full assessment to be made, together with the necessary publicity and consultation.
- 1.34 Any enforcement complaints about development built under the terms of the LDO will have to be investigated in the normal manner. There may be some increase in the number of enforcement complaints as the normal planning mechanisms for people to be aware of the development will not apply.
- 1.35 The LDO will be implemented for a period of 10 years from the date of adoption, but will be reviewed before this date to determine whether an extension to the timescale should be considered, whether the terms should be revised, or whether it should be allowed to lapse. Regular monitoring of the progress of development within the LDO area will inform these reviews.
- 1.36 The LDO includes a framework for monitoring progress. The key measures are: The amount of permitted development and completions for horticulture development in the LDO, net job retention/generation and type of land uses permitted or completed by floorspace. This will enable the measurement of the LDO ambitions against outcomes and help inform any reviews.

## The Consultation Responses

- 1.37 The draft LDO was subject to public consultation in April and May. A total of 102 representations were received. A summary of these and the Council's proposed responses are appended as Appendices 1 and 2.
- 1.38 The main issues raised were in respect of the proposals for draft LDO areas 1, 4 and 8 at Barnham, Woodgate and Binsted respectively. In response to the representations Draft LDO area 1 has been removed because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing. It may be that this area can be subject to a freestanding LDO in the future if and when further consideration of the highway considerations has taken place.
- 1.39 Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites. The proposed permitted development rights have been simplified by removing reference to different zones.
- 1.40 The final version of the LDO appended as Appendix 3 includes various track changes to reflect the recommended changes. It is this version of the LDO that Members are asked to agree.

## 2.0 OPTIONS

- 2.1 At this stage the Council can still decide to proceed or not with this initiative.

## 3.0 IMPLICATIONS

- 3.1 These have been set out above.

## 4.0 REASON FOR THE DECISION

- 4.1 To enable the Council to support the economic development of the District in line with the Arun Local Plan and Economic Strategy; to offer a faster and more certain outcome to customers and also create the potential opportunity for a cost reduction for the Service.

## **Background Papers:**

The responses in full and the consultation material are available for inspection on the Council's website [www.arun.gov.uk/ldo](http://www.arun.gov.uk/ldo)

**Contact:** Karl Roberts  
Director of Planning Services and Economic Regeneration  
Ext. 37760

**Appendix 1:** Key to representations

**Appendix 2:** Summary of representations received with proposed response

**Appendix 3:** Arun Horticulture – Local Development Order 2016

**DRAFT LOCAL DEVELOPMENT ORDER HORTICULTURE**  
**Consultation Response : 7 April – 13 May 2016**

<b>No.</b>	<b>Respondent</b>
1.	Lauren Peattie
2.	R H Nocoli
3.	Mr P Stapleton
4.	Mrs B Stapleton
5.	Alan Pearse
6.	Simon Phillips
7.	Elaine Clark
8.	Teresa Hardy
9.	Unidentified Signature - 25 Fellow Garden
10.	Unidentified Signature – Flint Cottage, Walberton
11.	Unidentified Signature – Woodstock, The Street, Walberton
12.	Unidentified Signature – Langley, Denmans Lane, Fontwell
13.	Unidentified Signature – Barnham Taxis
14.	Mr & Mrs Kemp
15.	C J Taylor
16.	L E Smith
17.	Maria Deacon
18.	Ellen Carter
19.	Alan Murray
20.	Unidentified Signature – Collyer Avenue, Bognor
21.	Unidentified Signature – 122 Mill Park Road, Pagham
22.	Graham Price
23.	Unidentified Signature – Palmers Road, Emsworth
24.	L I Sapsworth
25.	A H Crane
26.	Unidentified Signature – Westergate Farmhouse
27.	Lizzie Deacon
28.	Mrs R I Overton
29.	J Halstead
30.	S Fitzallen
31.	Martin Emmett (Binsted & Walberton Nurseries)
32.	Unidentified Signature, Bowley Cottage
33.	Dale Stevens
34.	Julian Marks (Barfoots)
35.	Joerg Arnhold
36.	George Lisher (Cobbins Nursery)
37.	Helena Curtis
38.	Residents of Poling
39.	Heather Thomas
40.	Charles Loxley
41.	Baps & Buns
42.	D & D Cycles
43.	Unidentified Signature – 12 Ivy Crescent, Bognor Regis
44.	Unidentified Signature – 10 East Avenue, Middleton on Sea
45.	Unidentified Signature – 16 Elm Road, Westergate
46.	Unidentified Signature – 55 Hampshire Avenue, Bognor Regis
47.	Unidentified Signature – Meadowside, Lake Lane
48.	Unidentified Signature – Meadowside, Lake Lane
49.	Unidentified Signature – Meadowside, Lake Lane

## APPENDIX 1

50.	Unidentified Signature – Meadowside, Lake Lane
51.	Unidentified Signature – Yapton, BN18 0LE
52.	Unidentified Signature – Diary Lane, Walberton
53.	Unidentified Signature – Pound Road, Walberton
54.	Unidentified Signature – September House, St. Mary's Meadow, Yapton
55.	Unidentified Signature – 25 St Mary's Meadow, Yapton
56.	Unidentified Signature – September House, 25 St. Mary's Meadow, Yapton
57.	Unidentified Signature – Barnham Opticians
58.	Julian Hart
59.	Karen Matthews
60.	J Hawkes
61.	M Tomsett
62.	J Williams
63.	J Clark
64.	Chloe Meigh
65.	A Roberts
66.	J Hodgson
67.	Kevin Garner
68.	Unidentified Signature – 19 West Walberton, Walberton
69.	Unidentified Signature – 17 Critchfield Road, Bosham
70.	Unidentified Signature – 18 Barnham Road, Barnham
71.	Unidentified Signature – Flint Garage, Barnham
72.	Unidentified Signature – Barnham Taxis
73.	Unidentified Signature – Barnham Kebabs
74.	Unidentified Signature – Barnham Health & Beauty
75.	C Cogher
76.	L E Smith – Holly Tree Pub
77.	J Murphy – The Murrel Arms
78.	Sarah Murray
79.	Carol & Alan O'Connell
80.	Matt Jones
81.	Laurie Ward (Villages Action Group)
82.	Paul Hanson (Landlink)
83.	John Hall (West Sussex Growers Association)
84.	Andrew Smithen
85.	Ian Truin
86.	Gary Purser
87.	Brenda Pears
88.	Petition – 12 signatures
89.	United Response
90.	Walberton Parish Council
91.	Barnham Parish Council
92.	Bognor Regis Town Council
93.	Southern Water
94.	Portsmouth Water
95.	Historic England
96.	Highways England
97.	Coastal West Sussex
98.	NFU
99.	Natural England
100.	West Sussex County Council
101.	Eastergate Parish Council
102.	Yapton Parish Council



**DRAFT LOCAL DEVELOPMENT ORDER – HORTICULTURE**  
**Consultation Responses : 7 April – 13 May 2016**

Notes:

Policy DM11 referred to below, states: ‘that vehicular access from the site to the road network is adequate and uses roads capable of accommodating the vehicle movements likely to be generated by development without detriment to road safety’.

References to LDO areas use the original numbering of draft LDOs taken from the consultation of April 2016. References to LDO areas have changed for the revised draft, taking into account the removal of areas from the proposal.

ID	R	Consultee Response	ADC Response
<b><i>Land Off Lake Lane, Barnham</i></b>			
1	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified draft LDO areas would either cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites. The exercise is not intended to designate or be part of any exercise to lead to the designation of one or more horticultural development hubs.</p> <p>Given the scale of the proposed permitted developments, and the restrictions placed on their location and design, it is not anticipated that on-site activities will have any significant out-of-boundary impact.</p> <p>Regarding traffic specifically, the scope and text of the draft LDO has been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created <u>or</u></p>
2	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	
3	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	
4	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	
5	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	
6	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	
7	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	
8	1	Concerns over traffic volume and road safety in rural areas and creation of a ‘ <i>horticultural industrial estate</i> ’. Policy DM11	

ID	R	Consultee Response	ADC Response
9	1	Concerns over traffic volume and road safety in rural areas and creation of a ' <i>horticultural industrial estate</i> '. Policy DM11	<p>altered.</p> <p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p> <p>Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.</p>
10	1	Concerns over traffic volume and road safety in rural areas and creation of a ' <i>horticultural industrial estate</i> '. Policy DM11	
11	2	Concerns over traffic volume and road safety in rural areas and creation of a ' <i>horticultural industrial estate</i> '. Policy DM11	
12	2	Concerns over traffic volume and road safety in rural areas and creation of a ' <i>horticultural industrial estate</i> '. Policy DM11	
13	2	Concerns over traffic volume and road safety in rural areas and creation of a ' <i>horticultural industrial estate</i> '. Policy DM11	
14	2	Concerns over traffic volume and road safety in rural areas and creation of a ' <i>horticultural industrial estate</i> '. Policy DM11	
15	3	Concerns over traffic in rural areas and creation of a horticultural industrial estate. Policy DM11.	
16	3.5	Concerns over traffic in rural areas and creation of a horticultural industrial estate. Policy DM11	
17	3	Concerns over traffic in rural areas and creation of a horticultural industrial estate. Policy DM11.	
18	4	Concerns over traffic with regard to safety of other users. Asking for full highway assessment.	
19	4	Concerns over traffic with regard to safety of other users. Asking for full highway assessment.	
20	4	Concerns over traffic with regard to safety of other users. Asking for full highway assessment.	
21	4	Concerns over traffic with regard to safety of other users. Asking for full highway assessment.	

ID	R	Consultee Response	ADC Response
22	5	Concerns over traffic: Highway safety and damage to roads.	<p>at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p> <p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p> <p>Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.</p>
23	5	Concerns over traffic: Highway safety and damage to roads.	
24	6	Concerns regarding degradation of a rural area and increasing HGV/tractor movements resulting in poor road safety and degradation of road condition.	
25	6	Concerns regarding degradation of a rural area and increasing HGV/tractor movements resulting in poor road safety and degradation of road condition.	
26		Concerns re increase in traffic movements and impact on road safety and damage. Policy DM11.	
27		Industrialisation of the area. Traffic impact, primarily HGVs and timings of movements (round-the-clock). Inadequacy of road network and impacts on road surfaces and edges.	
28		Current condition of highways, related to HGV and farm traffic. Safety of Lake Lane and railway crossing. Proposes separate service road. Policy DM11.	
29		Road network inadequate to support any increase in traffic, particularly HGVs and tractors/trailers. Concerns over highway safety and damage to highway infrastructure. Specific mention of Yapton Lane/Lake Lane railway junction.	
30		Concern over road safety along Lake Lane	
31		<p>Support for the LDO. Request for diversified enterprises and concern re impact of LDO status on development including sub-lettings to small businesses and conversion of agricultural buildings to holiday lets.</p> <p>Request to diversify species list for landscape planting to include Viburnum and Euonymus species (Spindle, Guelder Rose and Wayfaring Tree).</p>	

ID	R	Consultee Response	ADC Response
		<p>Concern that submitting prior notification will become part of all planning applications. Pre-App Consultation?</p>	<p>level of support for the horticultural sector in the District.</p> <p>The planting specifications (as amended) are not exclusive in that they identify the principal hedgerow species in the District. Other varieties of native shrub common in the area may be planted.</p> <p>Prior notification is an accepted part of permitted development procedures. Pre-application consultations regarding specific developments are often beneficial in promoting an understanding between applicants and planning authorities and as a result often ease the planning process.</p>
32		<p>Concern over highway safety and lack of technical assessment of likely traffic impacts. Comment on road verge and surface damage and other damage to the environment.</p>	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites.</p> <p>Regarding traffic specifically, the scope and text of the draft LDO has been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p> <p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p> <p>Draft LDO area 4 has been reduced in size and draft LDO area</p>

ID	R	Consultee Response	ADC Response
			8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.
<b><i>Land Off Paghham Road (South)</i></b>			
33		<p>Comment on existing conditions: odour from digesters; 24 hour traffic to the site; noise from compressors and reversing alarms. Query re 30m separation distance used in LDO and 23m separation applied in an existing planning permission. Concern re landscape impact of additional development.</p> <p>Difficulty dealing with the farm.</p> <p>Impact on wildlife: deer, badgers, foxes, hawks, owls, newts.</p>	<p>The bio-digester and associated facilities at Sefter Farm are not considered as horticultural development, hence their exclusion from the LDO designation.</p> <p>The LDO does not replace any existing planning policy or permissions, it allows suitable developments to proceed in designated areas, subject to a prior notification procedure.</p> <p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDO areas would either cumulatively or individually have a major impact on the local environment, or on either the volume or nature of traffic already associated with the sites.</p>
34		<p>Boundary query from Barfoots. Requesting extension of development area.</p>	<p>For the purposes of this exercise, the bio-digester and associated facilities at Sefter Farm are not considered to be horticultural development, hence their exclusion from the LDO designation.</p> <p>Other excluded areas are either shown by the Environment Agency to be in a designated flood plain, or areas where development may have an impact on the setting of a Listed Building.</p> <p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established; the extension of development 1km north from Sefter Farm would not meet this aim.</p>

ID	R	Consultee Response	ADC Response
35		Concern over impact of operations on LDO sites having an impact on neighbours. Negative visual impact including views in to and out of the SDNP.	The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either cumulatively or individually have a major impact on the local environment.
<b><i>Land at Hangleton</i></b>			
36		Letter of support for LDO. No substantive issues affecting current text or map.	Thank you for your letter of support, we look forward to receiving a pre-application submission for a LDO development in due course.
<b><i>The Vinery</i></b>			
37		Criticism of failure to discharge planning conditions attached to the construction of recent buildings, and associated problems relating to noise and lighting impacts on neighbouring properties.	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either cumulatively or individually have a major impact on the local environment.</p> <p>No part of the draft LDO should replace any element of an existing planning application, since it relates to specific proposals for individual small scale developments.</p>
38	7	<p>The LDO is outside the ADC designated horticultural area, which comprises: Westergate, Eastergate and Barnham only. Failure of existing development to meet the expectations of neighbours with regard to environmental objectives outlined in the PP or improvements to highway safety at junction with the A27.</p> <p>Criticism over accuracy of map of LDO11.</p>	<p>The LDO is not part of any proposal to designate any horticultural hub in the district. It is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established.</p> <p>The LDO has been revised to take into account the concerns of West Sussex County Council in relation to the local road network.</p> <p>The base map used is the Ordnance Survey's most up-to-date</p>

ID	R	Consultee Response	ADC Response
			1:5,000 product. Whilst the features mentioned are not shown, their presence has been taken into account in the drawing of the LDO boundary.
39		Criticism of the LDO area including an area that had been excluded from previous planning applications in order to provide a buffer between the development and neighbouring properties in order to minimise impacts on nearest properties. Opinion that the site is already large enough to satisfy Fargo's needs.	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either cumulatively or individually have a major impact on the local environment.</p> <p>The area designated is limited and enclosed by the buffer areas required as Condition 18 of Planning Permission A/74/12/, which will have to be taken account of in any plans brought forward.</p>
40	7	Identical to 38, but with additional text. Specific criticism of failure to include existing polytunnels, telecoms mast or PRow through the site.	<p>The LDO is not part of any proposal to designate a horticultural hub in the district. It is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established.</p> <p>The LDO has been revised to take into account the concerns of West Sussex County Council in relation to the local road network.</p> <p>The base map used is the Ordnance Survey's most up-to-date 1:5,000 product. Whilst the features mentioned are not shown, their presence has been taken into account in the drawing of the LDO boundary.</p>
<b><i>Mixture of Villages - Barnham/Yapton/Walberton/Eastergate</i></b>			
41	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and</p>	The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either

ID	R	Consultee Response	ADC Response
		<p>visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	<p>cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites. The exercise is not intended to designate or be part of any exercise to lead to the designation of one or more horticultural development hubs.</p>
42	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	<p>Given the scale of the proposed permitted developments, and the restrictions placed on their location and design, it is not anticipated that on-site activities will have any significant out-of-boundary impact.</p>
43	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	<p>Regarding traffic specifically, the scope and text of the draft LDO has been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p>
44	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	<p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p>
45	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	<p>Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.</p>



ID	R	Consultee Response	ADC Response
46	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
47	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
48	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
49	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
50	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p>	

ID	R	Consultee Response	ADC Response
		<p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
51	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
55	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
53	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
54	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p>	

ID	R	Consultee Response	ADC Response
		Local amenity – lanes becoming no-go areas.	
55	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
56	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
57	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
58	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
59	8	Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not	

ID	R	Consultee Response	ADC Response
		<p>consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
60	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p> <p>Horse Owner has problems with HGV traffic</p>	
61	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
62	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
63	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p>	

ID	R	Consultee Response	ADC Response
		<p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
64	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
65	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
66	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p> <p>Local amenity – lanes becoming no-go areas.</p>	
67	8	<p>Traffic: no assessment of adequacy of infrastructure, damage to verges or risk to road users. Policy DM11. Network Rail not consulted.</p> <p>Semi-rural nature of the area. Light &amp; noise pollution and visual intrusion.</p>	

ID	R	Consultee Response	ADC Response
		Local amenity – lanes becoming no-go areas.	
68	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDO areas would either cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites.</p> <p>Regarding traffic specifically, the scope and text of the draft LDO has been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for County Council input where road accesses are created or altered.</p> <p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p> <p>Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.</p>
69	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11	
70	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11	
71	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11	
72	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11	
73	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11	
74	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11	

ID	R	Consultee Response	ADC Response	
75	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11		
76	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11		
77	9	Traffic objection: unsuitable for HGVs and tractor-trailers. Lake Lane and Yapton Lane unsafe and risk re level crossing junction. Want to retain village identity. Assess infrastructure for safety. Policy DM11		
78		Traffic objection. Over intensification of sites and change to packhouse/distribution will lead to more traffic 24 hours per day. Existing damage. Lake Lane unsafe. No separation of heavy traffic from pedestrians and other road users. Policy DM11.		
79		Inadequate road network. Policy DM11. Lake Lane and Yapton Lane and Railway Crossing unsuitable and dangerous. No highway safety assessment. Inadequate capacity of local road network – needs assessment of safety and risks.		
80		Disturbance due to increased access by HGVs and tractors. Light pollution and landscape impact. ADC policy GEN3 seeks to protect the countryside. Highway safety: pedestrian rights to safe passage. Policy DM11. Road verge damage. Unsuitability of Lake Lane. Danger at Yapton Railway Crossing. No assessment of highway safety.		
81		VAG not consulted - Doubts potential contribution of horticulture to villages. States: 'proper planning processes should not be curtailed simply to encourage investment.		The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established.

ID	R	Consultee Response	ADC Response
			<p>Highways issues have been highlighted by the County Council and where applicable have been taken into account in the redrafting.</p> <p>The LDO designation extends processes within the existing planning policy framework to identify areas where the granting of planning permission for certain types of appropriate development might reasonably be assumed.</p> <p>The LDO does not encourage large or contentious development that would not meet the aims of council policy.</p>
82		<p>Park Farm, Lagness: existing planning permission but would like in the scope of the LDO. Number of sites not included that Landlink would like bringing in to LDO.</p> <p>8m height too restrictive in context of modern buildings.</p> <p>2,000m<sup>2</sup> too small for packhouse.</p> <p>1ha too small and 2m too low for reservoirs.</p> <p>Plant areas too small.</p> <p>Ancillary and integrated plant and engineering works need to be included.</p> <p>Need to include provision for workers' accommodation.</p> <p>Reuse of redundant buildings no longer suitable for horticulture.</p> <p>Proposed LDOs.</p>	<p>Consulted with Michael Fletcher of Langmeads at start of process and identified sites (Lagness and Shripney) as having potential for LDO status but with obstacles.</p> <p>The LDO is aimed at small-scale development rather than larger, potentially controversial developments, including sites for residential use.</p> <p>The area for reservoir development is below the lower limit for water storage laid out at Schedule 2 of the EIA Regulations.</p> <p>The reuse of buildings for non-horticultural use is not encouraged by the LDO, which in effect encourages the replacement of buildings that are no longer suitable for horticultural use with modern facilities.</p> <p>The three sites identified in the submission are large scale and lack existing built environment that can be extended. Thus, they do not meet the requirements of LDO development.</p>
83		<p>WSGA</p> <p>Areas are too limited; more land is needed for expansion.</p> <p>8m height is too low.</p>	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where relevant associated activities are already well-established.</p> <p>The scope and text of the draft LDO have been revised to take into account the opinion of West Sussex County Council with</p>



ID	R	Consultee Response	ADC Response
		<p>2,000m<sup>2</sup> too small for packhouses.</p> <p>Need to include ancillary plant and engineering works.</p> <p>Reservoirs too small.</p> <p>15m from existing hedges is too restrictive.</p>	<p>respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p> <p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p> <p>Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.</p> <p>The need for consultation with the County Council has been extended to include new accesses <u>and alterations to existing accesses.</u></p>
84		<p>Impact of poly-tunnel development on foraging animals.</p> <p>Needs protection of hedgerows.</p>	<p>The scale, nature and location of the LDO areas is unlikely to cause disruption to foraging animals. The LDO provides for the protection of hedgerows and other potentially-affected linear features, and some cases requires the planting of trees and shrubs.</p>
85		<p>Criticism of lack of justification of selection of LDO areas. Need to explain absence of other areas.</p> <p>Para 2.5 clarification of title of document.</p> <p>Lack of public oversight makes the use of an LDO unacceptable.</p> <p>If Council is looking to exert pressure on redevelopment for housing, no signs of success.</p>	<p>The typographical errors highlighted and requests for clarification have been taken into account where appropriate.</p> <p>Many comments are not relevant in the context of an LDO.</p> <p>The LDO is strongly based on current and developing planning policies as published, it is intended to facilitate small scale and uncontroversial developments rather than deliver large-scale uncontrolled growth for the sector.</p>

ID	R	Consultee Response	ADC Response
		<p>Error in labelling Barnham, Eastergate and Westergate.</p> <p>Lack of community involvement.</p> <p>Table 1 lines 10 &amp; 11 prescription/proscription</p> <p>Design guidance...</p>	<p>The sites selected are associated with the existing horticulture-related built-environment, rather than field-scale open-field and protected cropping.</p>
86		<p>Housing development creeping onto the sites.</p> <p>Cover for wholesale enlargement of buildings</p> <p>Roads and car parks make land attractive to non-agricultural use.</p>	<p>The LDO is restricted to small-scale horticulture-related development, and does not include new road access to highways. Parking areas are limited to those that are essential to the proper functioning of the glasshouse, polytunnel or packhouse that is being proposed for development.</p>
87		<p>Retrospective comments re use of LDO to retain horticultural activity. VHB and Manor Nursery.</p>	<p>Thank you for your comments on the draft LDO.</p>
88		<p>Highway Safety – inadequate infrastructure.</p> <p>Damage to road surfaces and verges.</p> <p>Road safety compromised by HGVs and tractors.</p> <p>Unsafe junction at Lake Lane/Yapton Lane – Railway Crossing.</p> <p>Policy DM11.</p> <p>Noise and other impacts associated with additional traffic.</p> <p>Landscape change.</p> <p>Lack of opportunity for public consultation.</p> <p>Industrialisation of semi-rural area.</p> <p>Failure to protect road network from damage by HGVs and tractors.</p>	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites. The exercise is not intended to designate or be part of any exercise to lead to the designation of one or more horticultural development hubs.</p> <p>Given the scale of the proposed permitted developments, and the restrictions placed on their location and design, it is not anticipated that on-site activities will have any significant out-of-boundary impact.</p> <p>Regarding traffic specifically, the text of the draft LDO has been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p>

ID	R	Consultee Response	ADC Response
			<p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p> <p>Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.</p>
89		<p>Pedestrian access along roads dangerous. Lake Lane already unsuitable for current traffic.</p> <p>Damage to verges.</p> <p>Policy DM11.</p>	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified draft LDO areas would either cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites.</p> <p>Regarding traffic specifically, the text of the draft LDO has been revised to take into account the opinion of West Sussex County Council with respect to LDOs 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p> <p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p>

ID	R	Consultee Response	ADC Response
			Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.
90		<p>Absence of traffic strategy makes LDO inadequate.</p> <p>Social and environmental impacts of modern horticulture (noise and visual).</p> <p>Detailed comments on text to consider:</p> <p>Para 3.1, add Walberton;</p> <p>Para 4.1 exclude lorry parks;</p> <p>Para 5.2, exclude HGVs?;</p> <p>Para 6&amp;7 Appendix C, safeguard residential amenity and dark skies policy.</p>	<p>We have considered and taken into account the detailed comments on the text.</p> <p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites.</p> <p>Regarding traffic specifically, the text and scope of the draft LDO have been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p> <p>Safeguards for residential amenity with respect to noise and light pollution can be addressed through the use of draft Conditions 5 &amp; 6 in any approval for development.</p>
91		<p>LDO1 includes sites with existing PP for houses.</p> <p>No District-wide plan, approach is site-by-site.</p> <p>No opportunity for public consultation.</p> <p>No plans for new greenhouses.</p> <p>Traffic concerns and DM11.</p>	<p>The boundary has been redrawn to take account of new and approved development.</p> <p>The LDO is not intended to be part of a general strategy for horticulture in the District, it is intended to encourage small-scale, uncontroversial developments in areas where a built horticultural environment already exists.</p> <p>Regarding traffic specifically, the text and scope of the draft LDO have been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1,</p>

ID	R	Consultee Response	ADC Response
			4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.
92		<p>Concern over impact on local residents.</p> <p>Lack of control over building, access and impacts on the countryside.</p> <p>Wants local residents to have opportunity to consult on proposals.</p>	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established.</p> <p>Consultation with Parish Councils over LDO developments is not included in the draft Order.</p>
<b>Statutory Consultees</b>			
93		<p>Locate water-related development no closer than 5m to rising sewer main (Lake Lane).</p> <p>No development within 5m of public water supply/sewer apparatus (Yapton Rd, Eastergate Lane, Norton).</p> <p>Assessment required for connections to public foul sewer.</p> <p>Need sustainable drainage proposals.</p> <p>Trade Effluent Consent may be required.</p>	<p>The locations of Southern Water plant have been taken into account and the LDO boundaries amended accordingly.</p>
94		<p>Applicants in Portsmouth Water supply area should ensure that supply is available.</p>	<p>Thank you for your contribution</p>
95		<p>No objection in principle.</p> <p>Need to check LDO areas for presence/proximity of Listed Buildings/SAMs etc and the Design Guide should include a note of potential effects on LBs and other heritage assets.</p> <p>Needs guidance on need for archaeological investigation.</p>	<p>With one exception (Pagham Road South), none of the proposed LDOs contain or adjoin a SAM or Listed Building.</p> <p>The scope and text of the draft LDO has been amended to take into account the presence of a Listed Building at Sefter Farm.</p> <p>Para 5.5 of the draft LDO is considered to be a catch-all and reference to any single item of legislation would necessitate a comprehensive list to be compiled, with all of the associated risks of unintentional exclusion.</p>

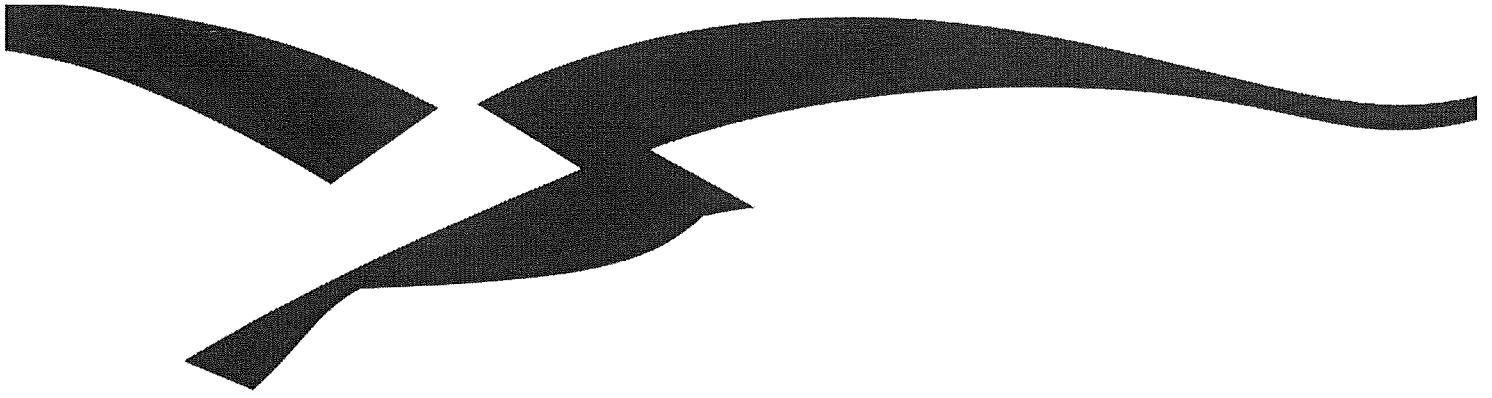
ID	R	Consultee Response	ADC Response
			A standard condition is available to require a full archaeological investigation to be undertaken where necessary.
96		No Comments from Traffic England	
97		<p>Query if the LDO will be extended should it be successful.</p> <p>Query regarding flexibility and need to submit full planning applications.</p> <p>How will the impact of the LDO be measured over time?</p>	<p>The LDO is intended to bring forward applications for small-scale uncontroversial developments in areas already associated with horticultural activity. This exercise is part of a Defra initiative to trial the use of LDOs to stimulate economic activity in the food sector and should it prove successful the LDO areas may be extended in future.</p> <p>Where proposed development inside an LDO area falls outside the scope of the LDO it should be brought forward within the normal planning system.</p> <p>The purpose and scale of developments coming forward within the LDO will be recorded to allow assessment of impact. Future monitoring is planned.</p>
98		<p>Strong support from the NFU.</p> <p>Concern regarding Sch2, Part 6 Class C of GPDO condition that no mineral extracted during the course of construction of a reservoir shall be moved away from the land from which it was extracted.</p> <p>Concern over limited size of reservoir development.</p>	<p>The LDO is intended to encourage small-scale and uncontroversial developments, which theme encompasses development for water storage. Water storage may include facilities such as tanks for harvesting run-off from hard surfaces such as roofs, and balanced earth-banked structures, where all excavated material remains on site as part of the structure.</p> <p>The construction of large-scale, strategic water storage facilities has implications that are beyond the scope of permitted development, requiring detailed input from statutory consultees.</p>
99		<p>Concern from Natural England re lack of protection of ditches and ponds compared with hedges and trees.</p> <p>Consultation with SDNPA re changes in setting of designated landscape.</p>	<p>A paragraph detailing the protection offered to permanent ditches and ponds has been written at paragraph 2.1 of the draft LDO.</p> <p>The cumulative impact of small-scale development, constructed in line with guidance in the LDO areas is considered to be</p>

ID	R	Consultee Response	ADC Response
			negligible in the context of views into and out of the South Downs National Park.
100		<p>LDO accepted in principle.</p> <p>County Council asking for transport evidence – otherwise objecting to three LDO areas.</p> <p>Understood that development permitted is small scale and ancillary to existing uses but this should be set out clearly and explicitly, in either ‘statement of reasons’ or ‘permitted development’ sections.</p> <p>Council does not require further work to assess the cumulative capacity impacts from expansions of up to 2,000m<sup>2</sup>.</p> <p>Comment on retaining connectivity in the landscape.</p> <p>Amendment required in Table 1: ‘The formation of new accesses or alterations to existing accesses to the public highway is not permitted unless subject to a separate authorisation.’</p> <p>Point 10. Concern re access to site is <i>via</i> a PRow. Remove exception so that all users can be given consideration by LHA or provide evidence that potential increase in use would not lead to unacceptable impacts.</p> <p>Need a fitting mechanism to ensure that archaeological evidence is safeguarded.</p> <p>LDO1:</p> <p>Does amendment of Table 1 address the concern re improvements to site accesses?</p> <p>Development in this area should not increase the risk of vehicles blocking the level crossing at Lake Lane/Yapton Lane junction, and not prejudice delivery of a long-term solution to</p>	<p>The County Council has produced a well-considered and comprehensive response to the Consultation.</p> <p>Connectivity in the landscape is taken into account through the retention of linear features such as ditches and hedges. Similarly, ponds and individual trees are protected.</p> <p>The text of the draft LDO (Table 1, Point 8) has been amended to include ‘<i>alterations to existing accesses</i>’ as being subject to separate authorisation.</p> <p>Draft LDO areas 1 and 8 have been removed and draft LDO area 4 reduced in size in response to the Consultation Response.</p> <p>A standard condition is available to require a full archaeological investigation to be undertaken where necessary.</p> <p>The design guide has been revised to take account of the suggested edits of the names of trees. Alder has been added to the list and specimen and woodland species.</p>

ID	R	Consultee Response	ADC Response
		<p>the issue.</p> <p>Intensification of use of this site will require consideration by the LHA.</p> <p>Remove or provide evidence of level of cumulative impact of proposal on transport network.</p> <p>LDO4: As above, remove or provide evidence of level of cumulative impact of proposal on transport network.</p> <p>LDO8: As above, remove or provide evidence of level of cumulative impact of proposal on transport network.</p> <p>Design Guide: Substitute spp. in section 6.4. <i>Prunus avium</i> for <i>Prunus padus</i>. <i>Betula pendula</i> for <i>Betula pubescens</i>, unless it is already in the area. Take out small-leaved lime. Add alder to the species list.</p>	
101		<p>Questions lack of LDO for Barnham Road/Eastergate Lane.</p> <p>Questions lack of overall strategy for horticulture and criticises site by site approach.</p> <p>Lack of proper plans for public consultation (?).</p> <p>Concerns re increased traffic movement and asks that policy DM11 in considered.</p>	<p>The LDO is not part of any strategy for horticulture, but has had regard for all sites in the District where established horticultural use is associated with buildings or permanent structures.</p> <p>Ordnance Survey Base Plans have been used to identify the location and extent of proposed LDO areas.</p> <p>Regarding traffic specifically, the text and scope of the draft LDO have been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p>



ID	R	Consultee Response	ADC Response
102		<p>Concern re unintended consequences of developments.</p> <p>Specific comments re LDO1:</p> <p>Concern regarding:</p> <ul style="list-style-type: none"> <li>• impacts on highways and the wider environment;</li> <li>• increase in HGV movements; and</li> <li>• impact on wider local road network.</li> </ul> <p>Make Condition 15 (Highways) more robust and require full traffic survey. Cumulative impacts.</p> <p>Level crossing safety at Lake Lane – Yapton Lane junction. Avoid Yapton Level Crossing by restricting vehicle movements.</p> <p>Seeks masterplan solution to Lake Lane traffic problems. Would welcome access to LDO area via Farplants site.</p>	<p>The LDO is intended to facilitate small and uncontroversial horticultural developments in areas where associated activities are already well-established. It is not envisioned that developments within the identified LDOs would either cumulatively or individually have a major impact on either the volume or nature of traffic already associated with the sites.</p> <p>Given the scale of the proposed permitted developments, and the restrictions placed on their location and design, it is not anticipated that on-site activities will have any significant impact on the wider environment.</p> <p>Regarding traffic, the text of the draft LDO has been revised to take into account the opinion of West Sussex County Council with respect to draft LDO areas 1, 4 and 8, at Barnham, Woodgate and Binsted respectively, and the need for Council input where road accesses are created or altered.</p> <p>Draft LDO area 1 has been removed from the draft because of concerns over the potential cumulative increase in traffic volume from multiple small developments in the area. The area has also been removed to allow the delivery of a long term solution to problems associated with HGVs turning from Lake Lane onto North End Road in close proximity to an at-grade automatic half barrier level crossing.</p> <p>Draft LDO area 4 has been reduced in size and draft LDO area 8 removed, taking into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites.</p>



## **Arun District Council**

# Planning & Economic Regeneration

## **Horticulture**

Local Development Order

Final – August 2016



Prepared for Arun District Council by Reading Agricultural Consultants

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## **Foreword to the Local Development Order**

This is Arun District Council's Horticultural Development Order, which has been prepared in accordance with the Town and Country Planning Act, Part 3 and the Town and Country Planning (Development Management Procedure (England) Order 2015, Part 8.

The Council has resolved to confirm it and use it for the purpose of development management.

## **Foreword to Statutory Consultation**

This is Arun District Council's 'draft for consultation' of the proposed Horticultural Development Local Development Order. Consultation is a statutory requirement in accordance with the Town and Country Planning Act, Part 3 and the Town and Country Planning (Development Management Procedure (England) Order 2015, Part 8.

Consultees are invited to comment on the statement of reasons for preparing the Order and the content of the draft LDO.

Subject to the outcome of this consultation on this draft LDO, the Council will consider whether to resolve to confirm it and use it for development management purposes.

## 1 Introduction and purpose of this document

- 1.1 Arun District Council (ADC) (the Local Planning Authority) has adopted a Local Development Order for several sites within the District, referred to in this document as 'the LDO'.
- 1.2 The LDO has been prepared by Arun District Council in accordance with the Town and Country Planning Act, Part 3 and the Town and Country Planning (Development Management Procedure) (England) Order 2015, Part 8. Preparation of the Order has included formal and statutory consultation in accordance with the legislation and best practice.
- 1.3 Local Development Orders (LDOs) were introduced with the Planning and Compulsory Purchase Act 2004 and allow local planning authorities to remove the need for planning permission for certain specified forms of development. The Planning Act 2008 removes the requirement that LDOs must implement all policies set out in adopted local development documents. The role and process of an LDO in extending permitted development rights in a Local Planning Authority area is set out in the Planning Practice Guidance (March 2014).
- 1.4 LDOs are recognised in the National Planning Policy Framework (NPPF) as a means of relaxing planning controls in appropriate areas to promote economic, social or environmental gains, such as boosting enterprise (paragraph 199).
- 1.5 Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015 paragraph 1 outlines how if a local planning authority proposes to make a LDO it shall first prepare:
  - (i) a draft of the order; and
  - (ii) a statement of their reasons for making the order.
- 1.6 Article 38 paragraph (2) of the DMPO states that the statement of reasons shall contain:
  - (i) a description of the development which the order would permit; and
  - (ii) a plan or statement identifying the land to which the order would relate
- 1.7 This document contains the statement of reasons for making the LDO and the scope of the LDO. A map identifying the area of land to which the Order relates (the LDO area) is included in Appendix A.
- 1.8 The LDO is implemented for a period of ten years from the date of adoption, and be reviewed before this date to determine whether an extension to the timescale should be considered, whether the terms should be revised, or whether it should be allowed to lapse.

## 2 Statement of Reasons

- 2.1 Horticulture is identified in the Arun Local Plan (Publication Version) (2011-2031) as a key employment sector in the Arun District and the associated built-environment is particularly concentrated in a number of localities. Horticultural activities include protected cropping associated with glasshouses and polytunnels, open field production, and ancillary produce packing and distribution and water management facilities.
- 2.2 The Council's Economic Strategy to 2026 identifies the Horticulture Sector as one of four key sectors which are particularly strong in the local economy with good opportunities for economic development and job creation. While the sector has significant potential for growth, it faces issues in relation to economies of scale, the quality of existing infrastructure, and production costs. In responding to these issues, the Sector has experienced some locational rationalisation, and external development, mainly residential, pressures on some traditional horticultural locations.
- 2.3 The Council is committed to assisting the Horticulture Sector to respond effectively to these issues through the policies in its development plan and the proposed LDO.
- 2.4 The LDO is aimed at existing and new horticultural enterprises in areas where the Sector is concentrated. These are perceived as the areas where the need for investment in new and/or upgraded infrastructure and technology is most needed, and where there has been some erosion of the Sector in the face of external land use pressures. Consequently, the Council wishes to facilitate small-scale redevelopment and investment in these areas through an accelerated, simplified and more cost-effective planning process, with a view to safeguarding and promoting economic and employment prospects.
- 2.5 The Arun Local Plan (Publication Version) (2011-2031) contains the emerging spatial strategy and strategic land use policy framework for the District. The Local Plan seeks to create a positive business environment which enables investment in identified growth locations and areas of opportunity, and also conditions in which businesses can flourish. It recognises that commercial horticulture is a significant component of the District's economy, and has important investment requirements and aspirations.
- 2.6 A planning framework for horticultural investment is set out in Policy HOR DM1 of the emerging local plan, which expands on the existing framework (notably Policy DEV3) of the current adopted Arun Local Plan (2003). For the purposes of this statement, it is assumed that Policy HOR DM1 will be taken forward in its current or a similar scope and format. This policy applies to new glasshouse, polytunnel and associated packhouse<sup>1</sup> development and is permissive of such development subject to its compliance with a range of siting, design and operational criteria. These ensure that horticultural development does not adversely affect the character of the landscape or neighbouring urban environment, or introduce highway safety or nuisance issues (noise and lighting impacts) for neighbouring residential properties. These provisions apply to relevant horticultural development proposals outside the LDO area, but there is no expectation that permitted development within it will be of a lesser quality.

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<sup>1</sup> building used for grading, cleaning and packing produce on a farm, before it is sent to the customer.

- 2.7 Additional to the above policy framework are the provisions of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015, whereby the agricultural sector, and thus horticulture already enjoys some relief from full planning control by virtue of permitted development rights attributed to some agricultural development in particular circumstances. A distinction is drawn between agricultural units of excess of 5ha in size and those between 0.4ha and 5ha. In the former circumstances, new buildings and extensions and alterations to existing buildings are permitted, subject to some qualifications in respect of size, design and use, while only extension and alteration of existing buildings is permitted on the smaller units. In both cases the prior approval of the local planning authority may be required in relation to the siting, design and external appearance of buildings. However, the planning process will be simpler and quicker than that associated with a full planning application.
- 2.8 Currently, within the District, there is a range of individual horticultural circumstances which give rise to differing planning requirements, dependent up the size of holdings and nature of particular development requirements. One of the purposes of the LDO is to reduce or remove this differential element in planning circumstances and provide horticultural businesses within the defined LDO area with a greater degree of certainty as to the scale and nature of future developments and investments which the Council perceives as appropriate. Consequently, the LDO seeks to bring to small horticultural units the benefits of the GPDO currently available to the larger units, and to extend some of the qualifying criteria for permitted development in the GPDO to reflect the particular characteristics of the Horticultural Sector, especially in relation to protected cropping. The approach will also enable a review of the significant disparities in the current cost of meeting planning requirements.
- 2.9 The LDO will specify the scale and nature of developments which will be permitted within the defined area. Development proposals on sites inside the LDO area which fall outside the specification, and development proposals outside the LDO area will remain subject to existing national permitted development rights and/or the development management approach of Policy HOR DM1. For such development proposals there is, however, no lessening of the Council's commitment to encourage and support the prospects of the Horticultural Sector, merely a specific scrutiny of individual proposals.
- 2.10 The LDO is not a planning approach that seeks to preclude horticultural development in those parts of the District outside the defined areas. It merely seeks to assist those producers operating in the existing concentrations of activity by reducing the number of existing layers of planning process for particular forms of development. Consultation with producers has, however, identified a high level of concern regarding the potential adverse consequences of land being inside or outside the LDO area in relation to the pattern of land occupancy (owned and rented), the long term aspirations of landowners, and land value and market effects.
- 2.11 It is important to emphasise, therefore, that for existing producers and potential new producers with interest in land outside the LDO area the planning framework will be unchanged from that pertaining at the present time. For those within the LDO area, landowners will be free to make the same decisions in respect of their own investments and those proposed by tenants as at present. The LDO only seeks to facilitate those decisions where these seek new horticultural development.

### 3 Overview of the site opportunities and constraints

- 3.1 Horticultural activity in Arun District is essentially of two types; intensive cultivation of crops in the protected environments of glasshouses or polytunnels, and extensive field production of crops. The intensive forms of activity are mainly concentrated in or adjacent to settlements, while field-based operations are carried out on farmland to the north of the built-up area along the coastal belt, partly outside Arun District. The LDO primarily addresses the concentration of intensive horticultural units, which is predominantly in and around the villages of Barnham, Walberton, Eastergate and Westergate, and existing key operational locations for the field producers.
- 3.2 Within the intensive units there is a wide range of enterprise circumstances ranging from large modern high tech production units to small units with old and/or rundown infrastructure. Some of the latter have been the source of pressure for redevelopment for housing; a pressure the District Council wishes to control. Consequently, the Council identifies these areas as having the potential for the development of an enhanced and renewed Horticultural Sector, as an alternative to decline and the continued relocation of the more progressive producers to new sites elsewhere within the District or beyond.
- 3.3 By easing and clarifying the planning requirements faced by producers with the LDO areas, the Council hopes to encourage the Horticultural Sector to consolidate and renew itself in the traditional locations, and to invest in the future of the sector in ways which benefit both it and its neighbouring communities.
- 3.4 The villages on which the main protected crop production is centred are identified by the Council as a potential strategic planning location for which the emerging development plan seeks to promote new and enhanced development with a 'Garden City' ethos. This will entail a degree of master planning for the whole area and the retention and development of a high quality visual and recreational green infrastructure as a context for the separate communities within it. The Horticulture Sector has an opportunity through its investment decisions to make a positive contribution to this framework.
- 3.5 The meeting of these objectives is subject to some necessary environmental and planning constraints. These are addressed in the development plan and its emerging successor and the emerging Neighbourhood Development Plans. The constraints have informed the definition of the LDO area and the development parameters for permitted developments within it.
- 3.6 The Arun Landscape Study rigorously considered the value of landscapes and their sensitivity to change, deriving an assessment of the capacity of individual landscapes to accommodate development. The coastal plain was generally assessed as having a low/medium capacity indicating that development would be likely to have a detrimental and significant effect on landscape character.
- 3.7 The Arun Local Plan has a strategic objective to conserve the countryside and landscape resources of the District and contains development management policies to support that objective. Consequently, the overarching planning approach to the countryside is to restrict further development to a limited range of activities, and to contain isolated and sporadic development elements in the countryside.



- 3.8 It is accepted within the planning framework that the operational needs of agriculture have to be accommodated. However, the constraints referred to above apply to the consideration of agricultural proposals.
- 3.9 A further key element of the Local Plan strategy for the countryside is the definition of a number of areas as Green Gaps, which are intended to be protected in order to retain the separate identities of particular settlements and preclude their coalescence. Within these areas further development is strictly limited to that which must necessarily be located within a gap and which does not prejudice its purpose.
- 3.10 Within the settlement setting, the opportunities for development to be accommodated satisfactorily are greater, and some adjoining areas of countryside, with the exception of the Green Gaps, were identified in the Arun Landscape Study as having a higher capacity to accept change. Nevertheless, at the detailed level of planning, the emerging Neighbourhood Plans illustrate concerns relating to the improvement of the quality of new developments, to the conservation of locally important open spaces and views, and to the alleviation of traffic and flooding issues.
- 3.11 In this context the LDO concerns itself only with locations where agricultural development is already established and in the immediate area surrounding some of those locations. While seeking to simplify the planning process for new investment in the Horticultural Sector, it intends that this achieved in a manner which mitigates any existing detrimental effects on the countryside and settlements and enhances the operational and visual characteristics of existing holdings.

## 4 Permitted Development

- 4.1 In the light of preceding consideration of the opportunities and constraints, the focus of the LDO is on developments within the core areas of existing horticultural activities which facilitate regeneration and modernisation and involve little or only modest changes in the existing impacts of activities on the proposed development sites. Permitted developments therefore include the replacement, renewal or upgrading of existing areas of glasshouses and polytunnels and small-scale extensions to these protected environments, and the provision of appropriately scaled support plant and buildings, notably packhouse facilities. Excluded from the permitted developments are external plant and engineering works not directly associated with horticultural development proposals, including, but not restricted to: energy facilities (anaerobic digesters, stand-alone solar arrays and wind turbines) and parking areas.
- 4.2 A series of development parameters and permitted uses are included in the LDO (Tables 1 to 6). Development proposals will be able to proceed without a planning application, subject to compliance with, and the discharge of, relevant planning conditions listed in the Order, where they are in accordance with the development parameters.
- 4.3 The parameters for the permitted development within the LDO area have been derived from the tried and tested criteria for permitted development covered by the GPDO. In relation to the extension and alteration of agricultural buildings on units of less than 5ha in size, development is controlled by criteria which:

- (i) preclude an increase in building height;
- (ii) limit development to a maximum increase in cubic content to 10%;
- (iii) limit development to a siting within 30m of existing buildings;
- (iv) limit development to a maximum footprint of 465m<sup>2</sup>;
- (v) preclude development within 5m of the unit boundary.

- 4.4 These criteria of scale, proportionality and proximity are, in principle, a reasonable basis on which to approach the development permitted within the LDO area on units of whatever size. Existing permitted development rights are not removed by the LDO, but the benefits are clarified and extended in their application and intended to enable the progress of more comprehensive and integrated developments.
- 4.5 The main issues in relation to the application of the GPDO criteria to the Horticultural Sector, particularly in respect of glasshouse development, are those of height and area, in the larger production units especially, investment in new glass (whether replacement or extension) invariably requires increases in the height of structures and developments that exceed the 465m<sup>2</sup> footprint Permitted Development threshold. The development parameters for the LDO therefore extend the existing GPDO approach to accommodate these specific issues. They do so by setting maximum height and area thresholds for the permitted developments, which are tailored to the parcels identified within the LDO. By these means the LDO seeks to ensure that new investment is of a scale and nature relevant to existing circumstances, and provides scope for the accommodation of the development within the landscape and residential contexts of individual sites.
- 4.6 Permitted development is generally primarily concerned with built structures, rather than plant and engineering operations. However, some built development will necessarily require associated plant and/or engineering works to enable it to function effectively. Where this is demonstrably the case, it will be incorporated within the scope of the permitted development.
- 4.7 Where plant is contained within new or altered built structures permitted by the LDO, including glasshouses and polytunnels, the dimensional parameters for those structures will apply. Insofar as plant and engineering operations are required to support new development and are not included within the built footprint, or exceed the dimensional parameters for permitted developments, the general siting and design guidance in the LDO is relevant. Where such operations are not included within a comprehensive proposal, the normal provisions of the GPDO will apply.

## 5 Arun Horticultural Development Local Development Order

### LDO Area

- 5.1 The Arun Horticultural Development Local Development Order (the LDO) permits development only within the boundaries identified on the LDO area plans (Appendix A).

### **Permitted Development**

- 5.2 The developments permitted by the Order shall comprise works to:
- (i) renew, replace or extend existing areas of glasshouses or polytunnels;
  - (ii) upgrade areas of polytunnels to glasshouses;
  - (iii) renew, replace or extend existing packhouse<sup>2</sup> and distribution buildings;
  - (iv) construct water storage reservoirs; and/or
  - (v) provide engineered operational surfaces or access routes (including parking areas) and plant/structures external to any proposed glasshouse, polytunnel or packhouse where these are essential to the proper functioning of the proposed glasshouse, polytunnel or packhouse and/or to comply with development parameters or condition set out in the Order.

### **Development Parameters**

- 5.3 Only development proposals that comply with the relevant parameters are permitted under the terms of the LDO. Proposals which are not in accordance with the defined parameters will be subject to normal planning controls and will require the appropriate prior notification or planning application to be made to the local planning authority.
- 5.4 The LDO areas comprise either single or multiple parcels with existing or recently-abandoned horticultural use. Plans showing LDOs are provided in Appendix A.
- 5.5 Tables 1-5 below set out which development parameters apply to each of the LDO areas.

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<sup>2</sup> a building used for grading, cleaning and packing produce on a farm, before it is sent to the customer.

**Table 1 General Development Parameters**

Development parameter		Exceptions	Reasons
1. LDO area	Development is only permitted within the LDO boundaries as defined by Plans 1 – 10 (Appendix A), and where it is in accordance with the development parameters	None	To comply with the provisions of the LDO following statutory consultation and approved by the local planning authority
2. General provisions	Development is only permitted where it is reasonably necessary for the purposes of Horticulture within the operational unit and is designed for those purposes	None	To ensure the integrity of the developments permitted.
3. Maximum area	No single development will exceed the LDO area subject to other development parameters	None	To minimise visual and amenity impact and respect the landscape setting
4. Siting	No single development will take place in excess of 30m from existing buildings or structures	None	To minimise visual and amenity impact and respect the landscape setting
5. Building scale	Building heights (including glasshouses, polytunnels and plant) must not exceed those heights stated in the parameter plans	None	To minimise visual and amenity impact and respect the landscape setting
6. Ancillary plant and engineering works	Standalone ancillary plant and engineering works not integrated with proposals for eligible buildings/structures are not permitted under the LDO	None	To minimise visual and amenity impact and respect the landscape setting
7. Highway access	No part of the development will obstruct access to or from the public highway, or obscure the sight lines of any road junction or access/egress to the highway	None	To ensure satisfactory highway access
8. Highway access	The formation of new accesses to the public highway is not permitted unless subject to separate authorisation	None	To ensure satisfactory highway access
9. Surface water	All permitted development will include provision(s) for the capture, re-use and/or attenuation of rainwater runoff	None	To minimise the risk of flooding both on and off site

Development parameter		Exceptions	Reasons
10. Residential and general amenity	No part of the development will be permitted within 5m of a public right of way	The proscription on right of way is waived where the right of way is already shared with operational activity within the unit	To minimise the risk of nuisance and loss of amenity to residents
11. Landscape	No part of the development will be permitted within 15m of existing hedge or tree planting on the unit boundary, or where landscape planting is required.	The proscription in respect of the 15m offset will be subject to modification in circumstances whereby following the submission of an appropriate tree survey it can be demonstrated that the development element proposed poses no hazard to existing or proposed root zones	To minimise visual and ecological impact

**Table 2 Glasshouse/Polytunnel Parameters**

Development parameter		Exceptions	Reasons
1. LDO area	Development is only permitted within the limits of the LDO areas plans 1 to 10, Appendix A) and where it is in accordance with the development parameters	None	To comply with the provisions of the LDO following statutory consultation and approved by the local planning authority
2. Development Permitted	Development is permitted where there is replacement or alteration to existing glasshouses or polytunnels (within the existing built footprint), or new development less than 30m from existing buildings or structures within the same LDO parcel	None	To minimise visual and amenity impact and respect the landscape setting
3. Building scale	Building heights must not exceed 9.0m	The building height may be exceeded up to a maximum of 5m in relation to chimneys/ flues and aerals associated with the permitted development	To minimise visual and amenity impact and respect the landscape setting

**Table 3 Packhouse and Ancillary Buildings Parameters**

Development parameter		Exceptions	Reasons
1. LDO area	Development is only permitted within the limits of the LDO boundary as defined on Plans 1 to 10 (Appendix A), and where it is in accordance with the development parameters	None	To comply with the provisions of the LDO following statutory consultation and approved by the local planning authority
2. Permitted development	Development is permitted where there is replacement or alteration to existing packhouses or ancillary buildings within the existing built footprint, or new development less than 30m from existing buildings or structures within the same LDO parcel	None	To minimise visual and amenity impact and respect the landscape setting
3. Maximum area	No single development will exceed 2,000m <sup>2</sup> floor space	None	To minimise visual and amenity impact and respect the

Development parameter		Exceptions	Reasons
			landscape setting. To limit the size of any new operation in order to minimise highway impacts
4. Building scale	Building heights must not exceed 9.5m	None	To minimise visual and amenity impact and respect the landscape setting

Table 4 Water Storage Structures

Development parameter		Exceptions	Reasons
1. LDO area	Development is only permitted within the limits of the LDO boundary as defined on Plans 1 to 10 (Appendix A), and where it is in accordance with the development parameters	None	To comply with the provisions of the LDO following statutory consultation and approved by the local planning authority
2. Maximum area	Water storage structures must have an open water area of less than 3,600m <sup>2</sup> and a total area of ground works of less than 1ha	None	To ensure that development falls outside the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011
3. Reservoir height	Bank top of water storage reservoirs should not be more than 2m above surrounding ground level	None	To minimise visual and amenity impact and respect the landscape setting. To ensure that proposed structure falls outside the requirements of the Flood and Water Management Act 2010
4. Reservoir design	Earth banked structures should have a bank top of no less than 2m width and an external slope of no less than 1 in 2	None	To allow access to bank-top and reduce visual impact

**Table 5 External Plant and Other Engineering Operations**

Development parameter		Exceptions	Reasons
1. Permitted development	External plant and engineering operations will only be permitted where they are ancillary to, and directly related to development permitted by this LDO (glasshouses, polytunnels, pack houses and reservoirs)	None	To ensure that all development allowed by this LDO is directly related to horticulture
2. Maximum area (engineering operations)	No ancillary engineering operation shall exceed 1ha	None	To minimise visual impact and respect the landscape setting. To prevent large-scale commercial development in the countryside
3. Maximum area (external plant)	No single development will exceed 50m <sup>2</sup>	None	To minimise visual and amenity impact and respect the landscape setting
4. Scale of external plant	Plant must not exceed 5m above the height of adjacent buildings	None	To minimise visual and amenity impact and respect the landscape setting

### **General Permitted Development Order**

- 5.6 The LDO does not alter, restrict or vary in any way, permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 or any successor in legislation or order such as would apply to any developments not specified as permitted by the LDO.

### **Planning conditions and informatives**

- 5.7 Where appropriate, development permitted by the LDO will be subject to the planning conditions set out in Appendix C.
- 5.8 Where details are required by condition an application for approval of details reserved by condition must be made to the local planning authority. Not all conditions will be relevant to every development proposal. The applicant is expected to ensure that all relevant conditions are complied with and, where required, provide sufficient information to enable the local planning authority to approve the details reserved by conditions. Early consultation with the local planning authority is **strongly** recommended to confirm which conditions will apply to a particular development.
- 5.9 The local planning authority will endeavour to determine applications for approval of the details reserved by conditions within 21 days of receipt of a complete and valid application.



**Compliance with the LDO Design Guide**

- 5.10 All development proposed under the provisions of the LDO must demonstrate compliance with the advice contained in the Design Guide (Appendix D). This will ensure that there is consistency in the quality of design and use of materials in developments, which is important in the realisation of the environmental enhancement sought for village groupings, and the continued conservation of the visual appearance and character of the open countryside.

**Compliance with other legislation**

- 5.11 The LDO permits development that complies with the development parameters and uses set out in the LDO. The LDO does not remove the need for compliance with all other relevant legislation or statutory procedures.

**Pre-development notification**

- 5.12 The purpose of the LDO is to encourage investment in the Horticultural Sector by creating a faster, simpler and more certain planning process. The certainty is provided by the in-principle acceptance of the permitted development prescribed in the Order.
- 5.13 The in-principle acceptance of the permitted development is subject to proposals being well designed and implemented. The information in the LDO and the Design Guidance provides developers with the necessary awareness of the parameters and standards to be met to ensure compliance.
- 5.14 To ensure that there is compliance, the LDO will be administered by a prior notification process which builds on that already included in the GPDO for certain agricultural developments, but is less onerous than the requirements of a formal planning application. The function of the prior notification process is to ensure that development undertaken within the LDO area is permitted by the Order, and to provide a framework for developers to provide the Council with the minimum of details relating to conditions specified in the Order which are relevant to the particular development.
- 5.15 Where there is uncertainty as to which conditions might apply to a particular development, developers are encouraged to seek the advice of the Council before proceeding with the prior notification process.
- 5.16 The prior notification process requires the submission of a prescribed pre-development form and plans and the payment to Arun District Council of a fee of £200.00.
- 5.17 With the completed pre-development notification form, the following plans or drawings must be submitted:
- (i) site location plan (scale 1:1250 or 1:2500 – clearly identifying the boundary of the development site with a red line;
  - (ii) site plan or block plan (scale 1:500 or 1:200) – identifying all proposed buildings/structures and external essential plant or engineering works;
  - (iii) existing and proposed elevations (scale 1:50 or 1:100); and

- (iv) other drawings necessary to describe compliance with development parameters or conditions.
- 5.18 Dependent upon the particular nature and location of the proposed development, the form may need to be supported by additional written material, plans and or drawings to demonstrate compliance with, or enable discharge of, prescribed conditions.
- 5.19 Due to the potential for development within LDO area 1 to adversely affect the setting of nearby listed building, a suitable assessment of the impact of the proposed development on this heritage asset is required to accompany all prior notification submissions within this LDO area.
- 5.20 A copy of the prescribed Pre-Development Notification Form is included at Appendix E
- 5.21 Upon receipt of the pre-development form and the requisite fee, the Council will provide a written acknowledgement of its receipt, confirmation that it is deemed valid and confirmation of a target date for the issuing of a formal response.
- 5.22 The procedure is subject to a timetable of 28 days from the Council's acknowledgement of receipt of the pre-development form within which period the Council will write to the applicant or the nominated agent to confirm that either:
- (i) The proposed development is permitted by the LDO subject to the approval of the relevant conditions.
  - (ii) The Council is unable to determine whether the proposed development is permitted under the terms of the LDO and further information is required to confirm compliance.
  - (iii) The proposed development is not compliant with the LDO and is therefore not permitted under the terms of the LDO.
- 5.23 Should the Council not respond in writing within the stated time period, the proposed development may proceed at the applicant's risk, subject to the commencement of development requirements being met.

#### **Development commencement notice**

- 5.24 Notwithstanding the prior notification process, it is important that the Council is aware that development is proceeding within the LDO area and in accordance with the terms of the LDO. Consequently, notice of commencement of a development will be submitted to the Council by means of a prescribed form at least 10 days before development starts. The form includes a declaration by the applicant that all the relevant conditions of the LDO are complied with or have been discharged.
- 5.25 A copy of the prescribed Development Commencement Notice is included at Appendix F.
- 5.26 Retrospective applications for development permitted under this LDO will not be considered by the Local Planning Authority, and will be subject to the standard planning application and enforcement procedures.

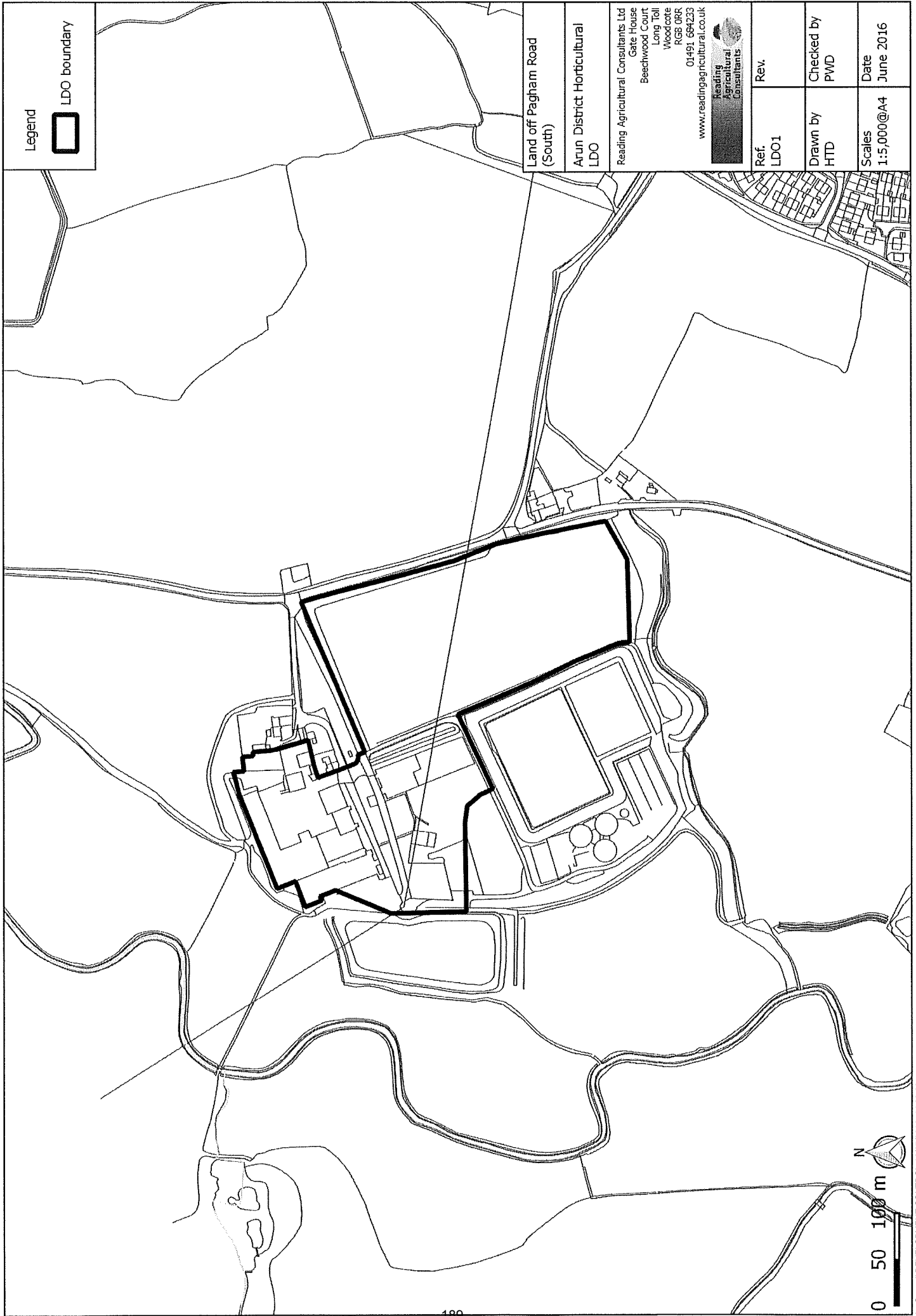
### **Environmental Impact Assessment**

- 5.27 The Arun Horticultural LDO has regard to the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the European Directive 2014/52/EU. Insofar as the LDO relates to agricultural development, the Order does not permit any Schedule 2 development. This is inclusive of the requirements of Schedule 2, 1 (a): *“Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes; the area of the development exceeds 0.5 hectare.”* All applications for the development of greenfield land within the LDO areas are to be screened in accordance with the requirements of Schedule 3.
- 5.28 Development proposed in the LDO areas subject to EIA would be subject to the standard planning application procedure.

### **Monitoring and review**

- 5.29 The provisions of the Order will last for a period of ten years from the date of adoption.
- 5.30 The Council reserves the right to review, revoke or amend the Order at any time under the provisions of Section 61A (6) of the Town and Country Planning Act 1990. Following a review of the LDO, a period of at least six months will be given before any amendments or revocation of all or part of the LDO come into effect.

## Appendix A: Maps 1 to 10 Showing LDO Areas



Legend



LDO boundary

Land off Pagham Road  
(South)

Arun District Horticultural  
LDO

Reading Agricultural Consultants Ltd  
Gate House  
Beechwood Court  
Long Toll  
Woodcote  
RG8 0PR  
01491 684233  
www.readingagricultural.co.uk




Ref. LDO1	Rev.
Drawn by HTD	Checked by PWD
Scales 1:5,000@A4	Date June 2016



Legend



LDO boundary

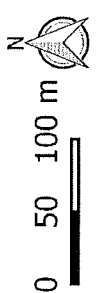
Land off Pagham Road (North)	
Arun District Horticultural LDO	
Reading Agricultural Consultants Ltd Gate House Beechwood Court Long Toll Woodcote RG8 0KR 01491 694233 www.readingagricultural.co.uk	
 Reading Agricultural Consultants	
Ref. LDO2	Rev.
Drawn by HTD	Checked by PWD
Scales 1:5,000@A4	Date June 2016



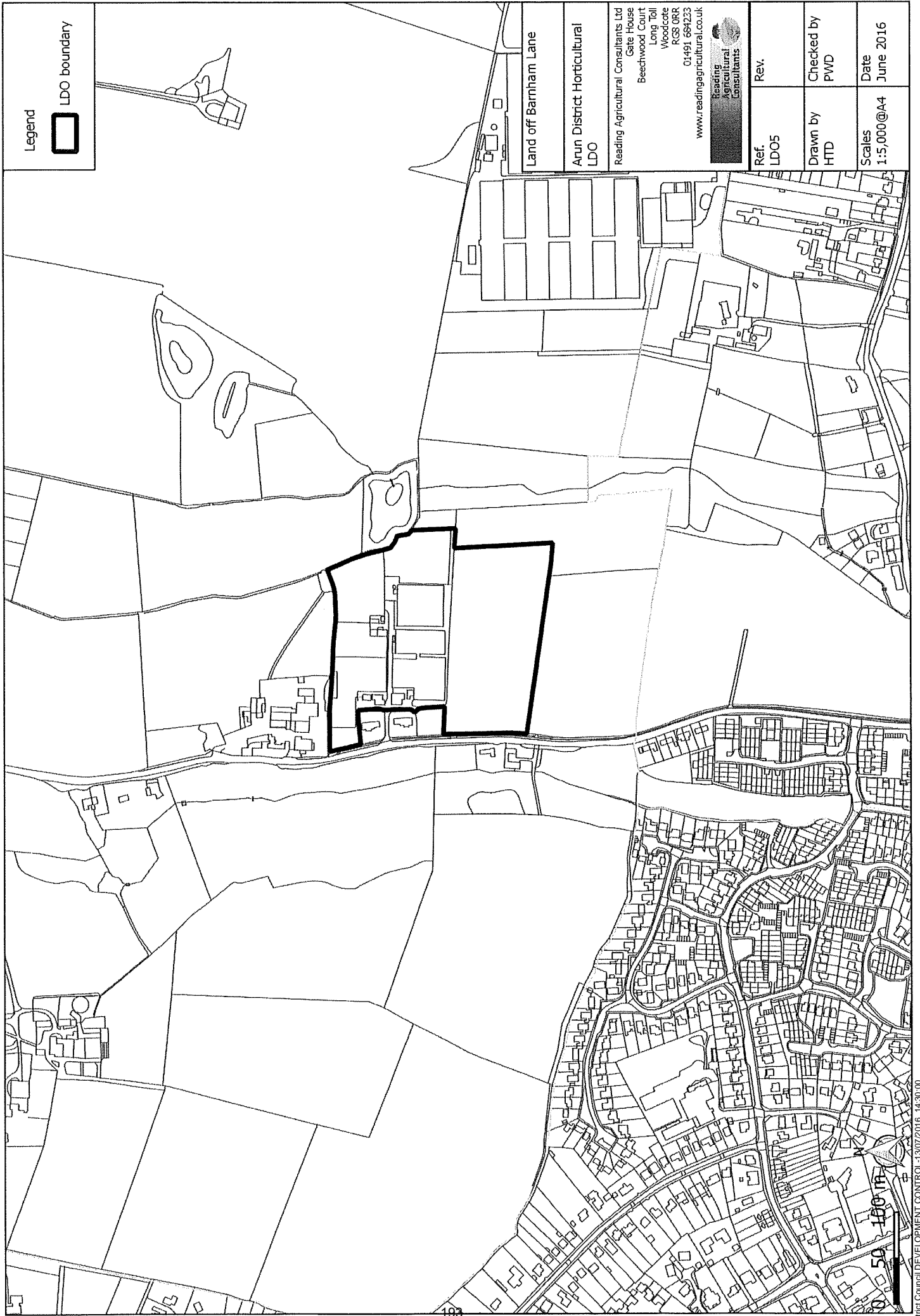


Legend  
 LDO boundary

Land off Yapton Road	
Arun District Horticultural LDO	
Reading Agricultural Consultants Ltd Gate House Beechwood Court Long Toll Woodcote RG38 0RR 01491 684233 www.readingagricultural.co.uk	
Ref. LDO4	Rev.
Drawn by HTD	Checked by PWD
Scales 1:5,000@A4	Date June 2016



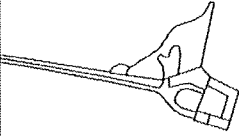




Legend



LDO boundary



Land off Barnham Lane

Arun District Horticultural  
LDO

Reading Agricultural Consultants Ltd  
Gate House  
Beechwood Court  
Long Toll  
Woodcote  
RG8 0RR  
01491 684223  
www.readingagricultural.co.uk



Ref. LDO5	Rev.
Drawn by HTD	Checked by PWD
Scales 1:5,000@A4	Date June 2016

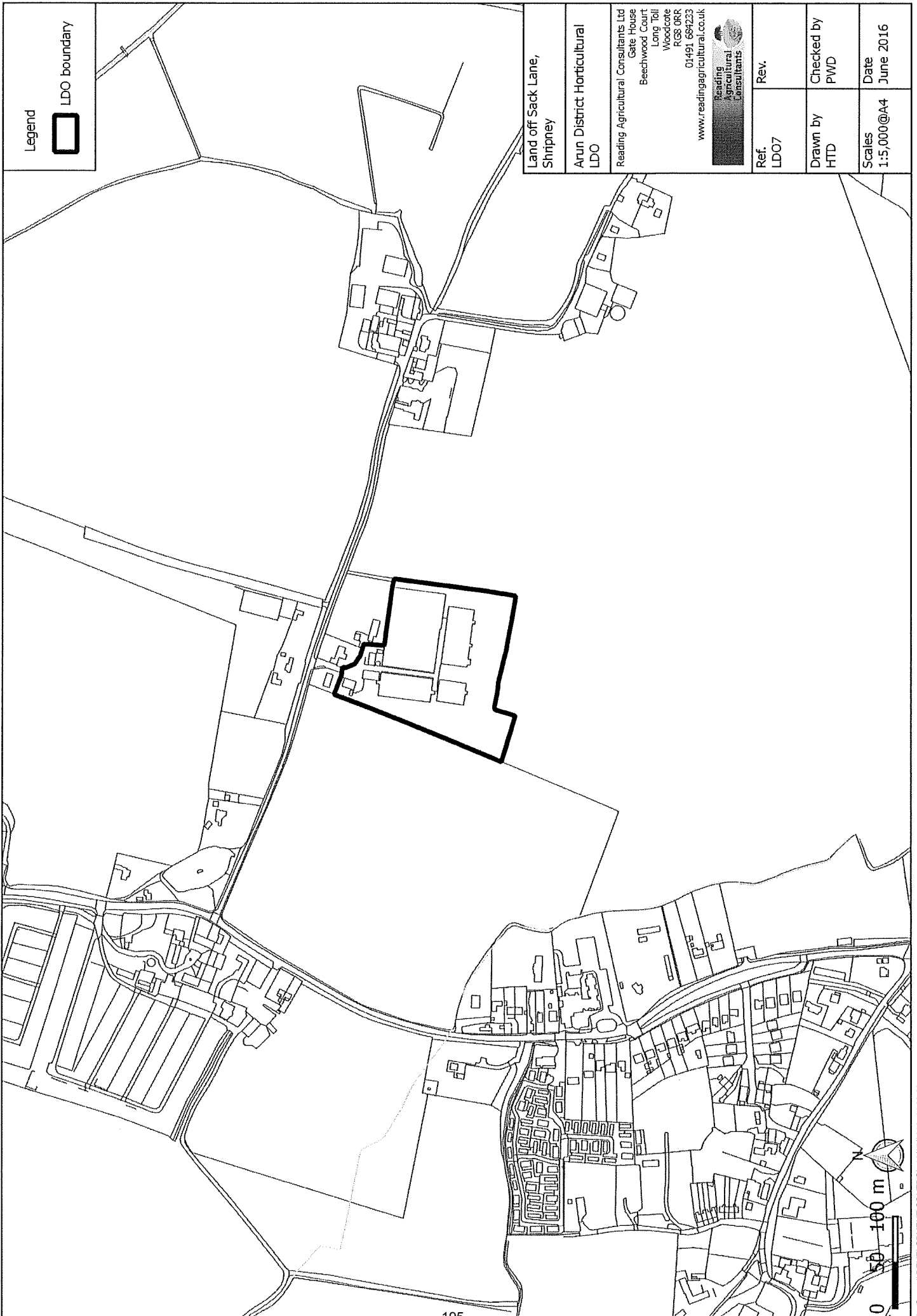


Legend




LDO boundary

Land off Eastergate Lane	
Arun District Horticultural LDO	
Reading Agricultural Consultants Ltd The House Beechwood Court Long Toll Woodcote Arun, West Sussex BN14 9BZ www.readingagricultural.co.uk	
Ref.	Rev.
LDO6	
Drawn by	Checked by
HTD	PWD
Scales	Date
1:5,000@A3	June 2016



Legend  
 LDO boundary

Land off Sack Lane, Shripney	
Arun District Horticultural LDO	
Reading Agricultural Consultants Ltd Gate House Beechwood Court Long Toll Woodcote RG8 0RR 01491 684233 www.readingagricultural.co.uk	
	
Ref. LDO7	Rev.
Drawn by HTD	Checked by PWD
Scales 1:5,000@A4	Date June 2016



Legend



LDO boundary

Land at Hangleton

Arun District Horticultural  
LDO

Reading Agricultural Consultants Ltd  
Gate House  
Beechwood Court  
Long Toll  
Woodcote  
RGS ORR  
01491 684223  
www.readingagricultural.co.uk



Ref. LDO8	Rev.	Checked by PWD	Date June 2016
		Drawn by HTD	
		Scales 1:5,000@A4	



Legend



LDO boundary

The Vinery

Arun District Horticultural  
LDO

Reading Agricultural Consultants Ltd  
Gate House  
Beechwood Court  
Long Toll  
Woodcote  
RG8 0RR  
01491 694233  
www.readingagricultural.co.uk



Ref.  
LDO9

Rev.

Drawn by  
HTD

Checked by  
PWD

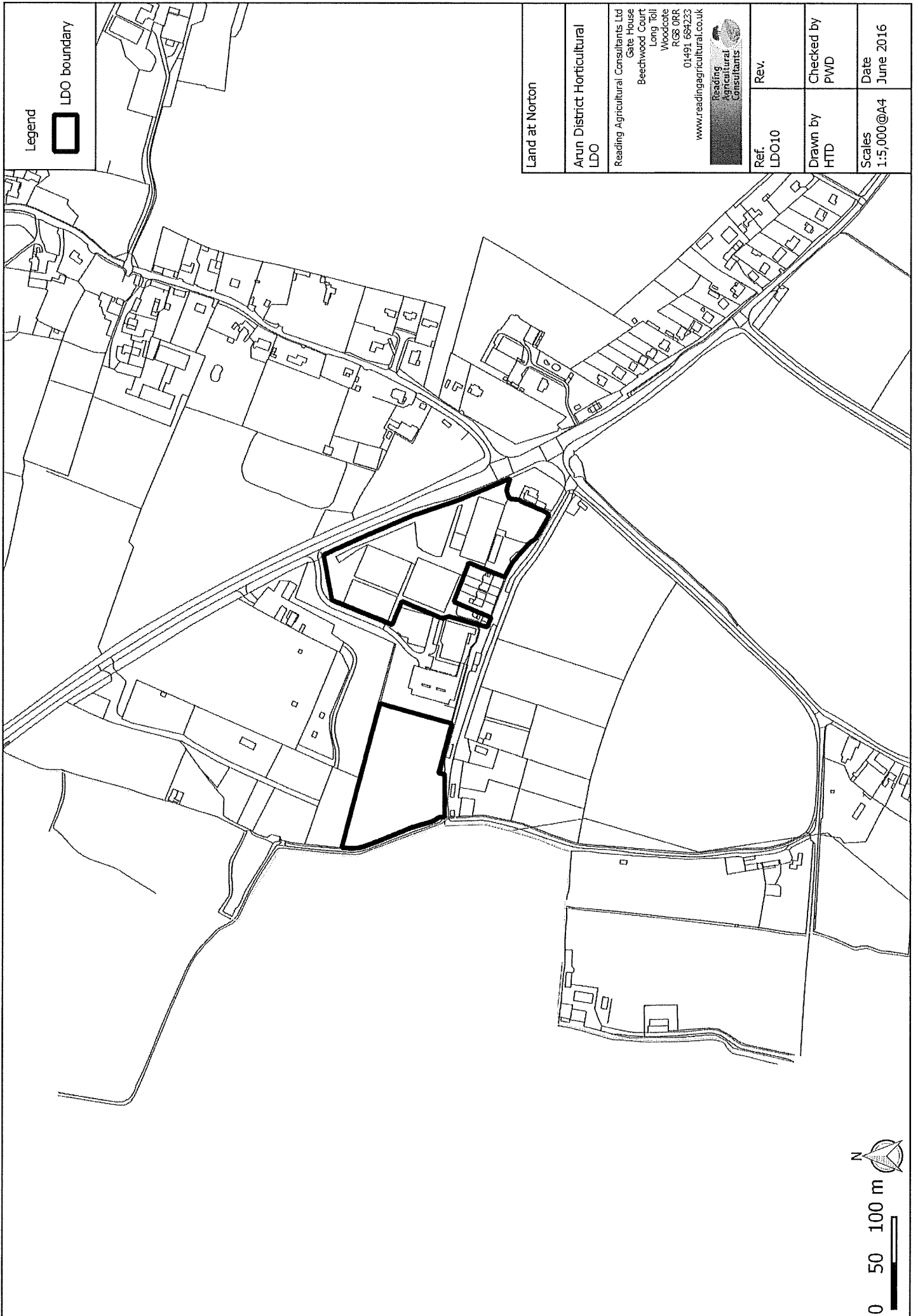
Scales  
1:5,000@A4

Date  
June 2016



0 50 100 m





Legend



LDO boundary

Land at Norton

Arun District Horticultural  
LDO

Reading Agricultural Consultants Ltd  
Gate House  
Beechwood Court  
Long Toll  
Woodcote  
RG8 0RR  
01491 684233  
www.readingagricultural.co.uk



Ref. LDO10	Rev.	Checked by PWD	Date June 2016
Drawn by HTD		Scales 1:5,000@A4	



## Appendix B: Description of LDO Areas

LDO Area Reference	LDO Area Description
<p><b>LDO1: Land off Pagham Road (South)</b></p>	<p>LDO1 extends to 9.3ha and is located to the east of Pagham Road, approximately 0.5km north of Nyetimber in the wider Bognor Regis urban area. The land currently has a number of uses including a packing facility, an anaerobic digester and land in arable production. There are a number of farm track accesses into the site from the north, south and west. The main highway access to the site is to the east onto Pagham Road.</p> <p>Sefter Farmhouse and Sefter Granary Grade II listed building is located close to the north-eastern corner of the LDO area. The wider local landscape is dominated by large scale arable fields on the open low lying coastal plain to the north of Bognor Regis. To the west of the site is the Pagham Rife watercourse, with Pagham Harbour further to the south-west. The LDO is bounded on its northern and southern sides by open arable land, on the east by Pagham Road and on the west by an irrigation reservoir and the Pagham Rife flood plain. All of the land within the LDO is within the Bognor Regis to Chichester ‘Gaps Between Settlements’ area.</p>
<p><b>LDO2: Land off Pagham Road (North)</b></p>	<p>LDO2 extends to 23.2ha and is located approximately 1.5km south-east of Runcton on the edge of the Arun DC Local Authority boundary. The LDO comprises land used for glasshouses, water storage, packing and storage facilities and a field in agricultural production. The site has a single access to the west onto Pagham Road.</p> <p>Although the use of land the immediately bounding the site is arable, the land use to the north in the neighbouring Chichester DC area is dominated by protected horticultural production. There are four dwellings along the southern edge of the site. All of the land within the LDO is within the Bognor Regis to Chichester ‘Gaps Between Settlements’ area.</p>
<p><b>LDO3: Land at Woodgate</b></p>	<p>Comprises a single parcel of land to the south-west of Woodgate, and extending to 3.9ha. The site does not appear to be an ongoing horticultural enterprise, containing a number of glasshouses in poor repair and an area of old polytunnels. The site has two accesses onto Westergate Street.</p> <p>The site is characterised by the built-up area of Woodgate to the north-east and open agricultural land in arable production to the south and west.</p>
<p><b>LDO4: Land off Yapton Road</b></p>	<p>LDO4 comprises two parcels either side of Yapton Road. The western parcel extends to 7.6ha and includes a number of undefined small units and an area of polytunnels. The eastern parcel extends to 3.7ha and appears to be an ongoing horticultural enterprise with glasshouses, outdoor beds and an irrigation reservoir.</p> <p>Land immediately surrounding the LDO parcels is predominantly within typical urban fringe uses, split between small paddocks, areas of permanent grassland and scrub. To the south and east of the LDO area are fields in arable use.</p>



Appendix B – Description of LDO Areas

LDO Area Reference	LDO Area Description
<p><b>LDO5: Land off Barnham Lane</b></p>	<p>Comprises a 2.4ha parcel to the east of Barnham Lane between the villages of Barnham and Walberton. Other than glasshouses the parcel comprises pasture, some of which is used for grazing horses. The site has a single access onto Barnham Lane.</p> <p>In terms of the surrounding area, the parcel has Choller Farm and caravan site directly to the north, with the surrounding agricultural land in pastoral production. Small areas of woodland are located to the north-east and east of the LDO.</p>
<p><b>LDO6: Land off Eastergate Lane</b></p>	<p>Four separate parcels make up this LDO area, with three to the south of Eastergate Lane and one to the north, with a combined area of 1.1.8ha. All of these parcels are in horticultural production with the majority of the area already under glass and poly-tunnels, with the exception of the far eastern parcel which also includes a large area of pasture. All of the sites have access onto Eastergate Lane.</p> <p>The surrounding area is characterised by land in equestrian use and isolated groups of housing to the north of Eastergate Lane, and by pasture and small blocks of woodland to the south.</p>
<p><b>LDO7: Land off Sack Lane, Shripney</b></p>	<p>This LDO area is a single horticultural unit extending to 2.4ha located 1.2km north of Bognor Regis, to the east of the A29. It comprises glasshouses, ancillary structures and an area of grassland to the south. The site has a single access onto Sack Lane to the north.</p> <p>It is a relatively isolated site on the coastal plain, surrounded by large arable fields.</p>
<p><b>LDO8: Land at Hangleton</b></p>	<p>This LDO area comprises three parcels of land with a combined area of 5.6ha, north of the A259 Littlehampton Road, and north of Ferring. The sites are highly constrained, with glasshouses filling almost the whole of the site, the current operations having expanded to the extent of their land ownership. Both sites access onto Hangleton Lane and on to the A259.</p> <p>Land uses in the immediate area include various sales and industrial uses, with equestrian, field scale horticulture and arable uses beyond.</p>
<p><b>LDO9: The Vinery</b></p>	<p>The LDO area at the Vinery currently has planning permission for works associated with the construction of a horticultural distribution warehouse, covered storage, trade counter and associated offices. The LDO area extends the land to which the planning permission relates across the Public Right of Way to encompass the whole the field to the south of the industrial units. The total area of the LDO is 0.8ha.</p> <p>Directly north of the LDO is the A27, with the South Downs National Park beyond. To the south is a large area of open arable land.</p>

Appendix B – Description of LDO Areas

LDO Area Reference	LDO Area Description
LDO10: Land at Norton	<p>The LDO area at Norton comprises two parcels with a combined area of 3.3ha. The eastern parcel appears to be no longer in horticultural production, and includes areas of glasshouses, hardstandings and some small ancillary buildings. The western parcel has a small area of polytunnels and outdoor beds.</p> <p>The site is bounded by land in equestrian use to the north and south and the B2233 to the east. To the west is an area of pasture with the large area of glasshouses at the former Tangmere Airfield beyond.</p>
<b>Total area of land within LDO areas: 74ha</b>	

## Appendix C: Conditions and Informatives

## Conditions

(To be used where relevant to the proposed development)

	Condition	Reasons
	<b>General Conditions</b>	
1. Time limit	The development hereby permitted shall be completed before the expiration of three years of the submission of a Development Commencement Notice	In the interests of amenity and of the environment of the development, and to accord with economic objective of the LDO
2. Redundant structures	Any glasshouse structure(s) and/or polytunnel(s) and/or packhouse(s) deemed redundant for horticultural/agricultural purposes on the development site are to be removed along with any waste or contaminated materials	In the interests of amenity and of the environment of the development in accordance with Policy HOR DM1 of the Arun District Local Plan
	<b>Environmental Conditions</b>	
3. Protection of existing trees and hedgerows	<p>No development shall begin until an appropriate scheme of protection of trees and hedgerows (in accordance with <i>BS 5837 Trees in relation to design, demolition and construction– Recommendations (2012)</i>) potentially affected by the proposed development has been submitted and approved in writing by the local planning authority.</p> <p>The measures should:</p> <p>i) sufficiently protect major existing tree groups, and identified significant trees to ensure that they survive development activity without their long term life expectancy being compromised.</p> <p>ii) be in accordance with the broad principles of tree protection set out in <i>BS 5837</i>. This must calculate and show for major tree groups and significant Trees to be retained Root Protection Areas on a Tree Protection Plan and describe protective measures to be implemented during development operations.</p> <p>iii) ensure that major tree groups, significant trees and vegetation shall be retained and protected in a manner to be agreed with the Local Planning Authority (LPA) before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the prior written consent of the Local Planning Authority.</p> <p>iv) where any major tree groups or</p>	In the interests of amenity and of the environment of the development in accordance with Policies ENV SP1, ENV DM3, ENV DM4, LAN DM1, and HOR DM1 of the Arun District Local Plan.

	<p>significant trees are removed without such consent or dying or being seriously damaged or becoming seriously diseased during the period, those trees shall be replaced in the following planting season with trees of such size and species as set out in the LDO design guide and may be agreed with the LPA.</p> <p><b>INF 5: European Protected Species Licences</b> <b>INF 6: Breeding and Nesting Birds</b></p>	
4. Landscape mitigation	<p>No development shall begin until a detailed landscape scheme has been submitted and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the LDO Design Guide. The landscaping scheme, as agreed, will be implemented during the next planting season following completion of the development. Thereafter, the landscaped areas shall be maintained for a period of five years. Any trees or shrubs which die or become seriously damaged or diseased within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.</p>	<p>In the interests of amenity and of the environment of the development in accordance with Policies ENV SP1, ENV DM4, ENV DM5, QE SP1, LAN DM1 and HOR DM1 of the Arun District Local Plan</p>
5. Ecological Protection and Enhancement (including protected species)	<p>No development, including preparatory works, shall begin until an ecological enhancement scheme has been submitted and approved in writing by the local planning authority. All approved details shall then be implemented in full and in accordance with the agreed timings and details.</p> <p><b>INF 5: European Protected Species Licences</b> <b>INF 6: Breeding and Nesting Birds</b></p>	<p>In the interests of biodiversity, amenity and of the environment of the development in accordance with Policies ENV SP1, ENV DM3, ENV DM4, ENV DM5 and HOR DM1 of the Arun District Local Plan</p>
6. Noise	<p>No development shall begin until a scheme to mitigate the impact of noise upon neighbouring properties has been submitted to and approved in writing by the local planning authority. The operational sound limits from site activities and mechanical and electrical plant shall be equivalent to a "low impact" at the closest existing sensitive receptors based on the guidance contained within BS 4142:2014 <i>Methods for rating and assessing industrial and commercial sound</i>.</p>	<p>In the interests of amenity and of the environment of the development in accordance with Policies QE DM2, QE SP1 and HOR DM1 of the Arun District Local Plan.</p>
7. Lighting	<p>No development shall begin until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority.</p>	<p>In the interests of amenity, landscape and protected species in accordance with</p>

	<p>Thereafter, all lighting shall be installed and operated in accordance with the approved details before development is brought into use.</p> <p>External lighting in association with this development shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light (GNO1:2011), and to take account of guidance issued by the Bat Conservation Trust.</p>	<p>Policies QE DM2, QE SP1, ENV DM5 and HOR DM1 of the Arun District Local Plan.</p>
8. Archaeology	<p>No development shall take place until a scheme of archaeological investigation (including a programme of archaeological evaluation, targeted excavation, recording any finds and publishing the results) has been submitted to and approved in writing by the nominated archaeological advisor to the local planning authority.</p>	<p>To enable a proper archaeological investigation of the site and the identification and recording of any items of archaeological importance in accordance with Policies HER DM6 of the Arun District Local Plan.</p>
9. Sustainable drainage	<p>No development shall take place until a scheme for surface water drainage for the site has been submitted to and approved in writing by the local planning authority. The scheme shall:</p> <ul style="list-style-type: none"> <li>i) Be carried out in accordance with the LDO Design Guide</li> <li>ii) Specify the range of measures used to manage surface water run off including Sustainable Urban Drainage (SUDs) systems</li> <li>iii) Ensure safe access and egress from and to the site</li> <li>iv) Set out pollution prevention measures including the measures used to reduce the potential for pollutants reaching ground, surface water bodies or the surface water drainage system</li> <li>v) Include how the scheme shall be maintained and managed</li> </ul> <p>The mitigation measures shall be fully implemented prior to proposals being first brought into use</p> <p><b>INF 2: Oil/Chemical Storage Tanks</b> <b>INF 3: Trade Effluent</b></p>	<p>To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies W DM2, W DM3, ECC SP1 and HOR DM1 of the Arun District Local Plan</p>
10. Land Contamination	<p>No development shall take place until the following phased Contaminated Land Risk Assessment has been a competent person in accordance with Defra and the Environment Agency's 'Model Procedures for the</p>	<p>To ensure that any ground, water and associated gas contamination is identified and all necessary remediation works are carried out in the</p>

	<p>Management of Contaminated Land, CLR 11':</p> <p>All works to comply with each phase of the Contaminated Land Risk Assessment shall be submitted to and approved in writing by the local planning authority prior to the commencement of development</p> <p><b>INF 4: Model Procedures for the Management of Contaminated Land</b></p>	<p>interest of the safety of the development and the environment, and to ensure the site is suitable for the proposed use accordance with Policy QE DM4 of the Arun District Local Plan.</p>
11. Contamination found on site during development	<p>If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.</p> <p><b>INF 4: Model Procedures for the Management of Contaminated Land</b></p>	<p>To ensure that any ground, water and associated gas contamination is identified and all necessary remediation works are carried out in the interest of the safety of the development and the environment, and to ensure the site is suitable for the proposed use accordance with Policy QE DM4 of the Arun District Local Plan.</p>
12. Dust and fumes	<p>No development shall take place until a scheme for the treatment of any dust or fumes has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the development being first brought into use. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.</p>	<p>In the interests of amenity and of the environment of the development in accordance with Policies QE DM3 and QE SP1 of the Arun District Local Plan.</p>
13. Materials	<p>No development shall begin until samples of the materials to be used (in accordance with the LDO design guide) have been submitted and approved in writing by the local planning authority.</p>	<p>In the interests of protecting the character and appearance of the local landscape and achieving good design in accordance with Policies D SP1, D DM1 and LAN DM1 of the Arun District Local Plan.</p>
14. Construction Method Statement. (including demolition method and removal of materials)	<p>No development, of more than 1,000m<sup>2</sup> gross floor space or with a plot area of more than one hectare, shall take place, including any works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the</p>	<p>In the interests of protecting the amenity of local residents and businesses.</p>

	<p>construction period.                  The Statement shall provide for:                  i) vehicle parking facilities for construction workers, other site operatives and visitors;                  ii) loading and unloading of plant and materials;                  iii) storage of plant and materials used in constructing the development                  iv) the erection and maintenance of security hoarding;                  v) wheel washing facilities;                  vi) measures to control the emission of dust and dirt during construction;                  vii) a scheme for recycling/disposing of waste resulting from demolition and construction work;                  viii) noise impact and control (taking account of BS 5228: 2009 Code of practice for noise and vibration control on construction and open sites);                  ix) installation and maintenance of security hoarding/fencing.                  x) hours of operation: demolition and construction works shall not take place outside 08.00 hours to 18.30 hours Mondays to Fridays and 08.00 hours to 13.30 hours on Saturday. There will be no construction on Sundays or Bank Holidays unless agreed in writing with the Local Planning Authority;                  xi) a Construction Traffic Management Plan (CTMP).</p> <p><b>INF 1: Construction Traffic Management Plan.(CTMP)</b>  <b>INF 7: Public Rights of Way</b>  <b>INF 8: West Sussex Car Parking Standards</b></p>	
<b>Highway Conditions</b>		
<p>15. Highways</p>	<p>No development shall begin until a scheme has been submitted and approved in writing by the local planning authority demonstrating that adequate parking and turning capacity for vehicles arising from the permitted development is already available or that provision is incorporated in the proposed development.</p> <p><b>INF 8: West Sussex Car Parking Standards</b></p>	<p>In the interests of amenity and of the environment of the development in accordance with Policies T SP1 and HOR DM1 of the Arun District Local Plan.</p>



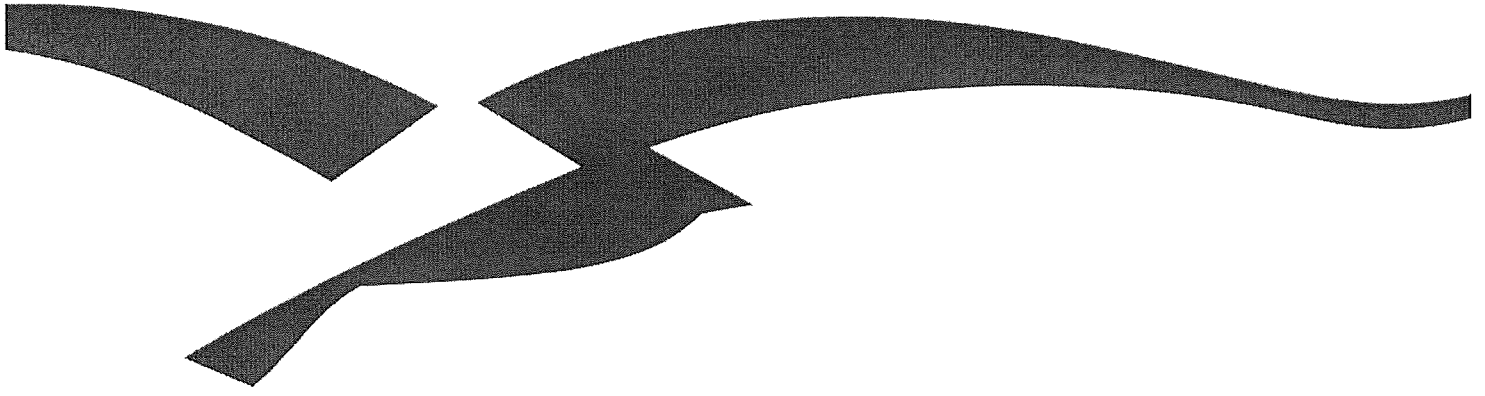
## Informatives

INF 1	<p><b>Construction Traffic Management Plan.(CTMP)</b></p> <p>Contact: WSCC. Tel: 01243 642105. Email: <a href="mailto:highways@westsussex.gov.uk">highways@westsussex.gov.uk</a> Website: <a href="http://www.westsussex.gov.uk/roads-and-travel/information-for-developers/">www.westsussex.gov.uk/roads-and-travel/information-for-developers/</a> The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>i) the anticipated number, frequency and types of vehicles used during Enabling Works,</li> <li>ii) the method of access and routing of vehicles during Enabling Works, signed appropriately to the necessary standards/requirements.</li> <li>iii) the parking of vehicles by site operatives and visitors,</li> <li>iv) the loading and unloading of plant, materials and waste,</li> <li>v) the storage of plant and materials used during the Enabling Works,</li> <li>vi) the provision of wheel washing facilities and other works required to mitigate the impact of the Enabling Works upon the public highway (including the provision of temporary Traffic Regulation Orders), Details of and approval of any road closures needed during construction.</li> <li>vii) Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.</li> <li>viii) Traffic management needed during construction</li> <li>ix) measures to control the emission of dust and dirt,</li> <li>x) details of lighting and security,</li> <li>xi) hoarding / scaffolding if required.</li> <li>xii) to inspect and maintain all signing, barriers etc.</li> <li>xiii) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.</li> <li>xiv) to use certificated banksmen for guiding vehicles/unloading etc.</li> <li>xv) no unnecessary parking of site related vehicles (worker transport etc.) in the vicinity, details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.</li> <li>xvi) Layout of site structures, roads, site storage, compounds, pedestrian routes etc.</li> <li>xvii) Before work commencement to undertake a highway condition survey and agreement with a representative of the WSCC Highways: contact 01243 642105. Final correspondence is required to be submitted.</li> <li>xviii) Local residents and businesses being kept informed of significant deliveries and liaised with through the project. A contact address is to be provided to which all issues should be directed in the first instance. A record will be kept of these issues and their subsequent resolution.</li> <li>xix) Any temporary access arrangements to be agreed with and approved by WSCC</li> <li>xx) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.</li> </ul>
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	Note - This list is not exhaustive but is intended to provide the kind of contents, expected of a CTMP
INF 2	<b>Oil/Chemical Storage Tanks:</b> Any above ground oil or chemical storage tanks should be sited on an impervious base and surrounded by a liquid tight bund wall. The bunded area should be capable of containing 110% of the volume of the tank(s), and all fill pipes and sight gauges should be enclosed within its curtilage. No drainage outlet should be provided, and the vent pipe should be directed downwards into the bund.
INF 3	<b>Trade Effluent:</b> The Water Industry Act 1991 states that any liquid produced wholly or part from any trade or business activity carried out on trade or business premises qualifies as trade effluent and therefore requires consent from Southern Water. Trade effluent controls apply only to those discharges made to the foul sewer. No discharge of trade effluent should be made to the surface water sewer; this includes vehicle washes. It is the responsibility of landowners and businesses to ensure drains on their site are identified correctly and any trade effluent discharge is not directed to the foul sewer. Any surface water drains on a site receiving contaminated surface water should be directed to a foul sewer and trade effluent consent applied for and obtained.
INF 4	<b>Model Procedures for the Management of Contaminated Land, CLR 11</b> 1. Phase 1 – a desk study and site walk over to identify all potential contaminative uses on site and to inform a preliminary assessment. If potential contamination is identified, then Phase 2 shall be undertaken. 2. Phase 2 – a comprehensive intrusive investigation to identify the type, nature and extent of contamination present, the risks to users/occupiers of the development, and to inform the required remediation scheme. If significant contamination is found, then Phase 3 shall be undertaken. 3. Phase 3 – the production of a Remediation Report to ensure the site is rendered suitable for its proposed use. The Remediation Report shall include works to be carried out and a programme of such works, and shall first have been submitted to and approved in writing by the local planning authority. No development shall be used or occupied until all remediation works have been carried out in accordance with the approved Remediation Report. Following implementation of the remediation works, a Validation Report detailing all of the measures carried out to ensure compliance with the Remediation Report shall be submitted to and approved in writing by the local planning authority.
INF 5	<b>European Protected Species Licences:</b> Attention is drawn to the need to have regard to the requirements of the UK and European legislation related to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species are affected by development. If protected species are discovered, to proceed with the development without seeking advice from Natural England could result in prosecution. For more information: <a href="https://www.gov.uk/government/organisations/natural-england">https://www.gov.uk/government/organisations/natural-england</a>
INF 6	<b>Breeding and Nesting Birds:</b> Legal Protection: Section 1(1) of the Wildlife and Countryside Act 1981 (as amended), makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while the nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. Bird Species listed under Schedule 1 of the Act receive extra protection. The Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at or near a nest containing eggs or young, or disturb the

	<p>dependent young of such a bird. Potential nesting sites: It should be assumed that birds will be nesting in trees, scrub, reeds or substantial ditch-side vegetation during the core breeding season, unless a survey had shown this not to be the case. In addition, some species are ground nesting. Particular attention should be paid to any building demolition works as this is where some birds preferentially choose to nest.</p> <p>Site Clearance works/demolition/construction: To avoid impact to nesting birds and ensure development is undertaken in accordance with provisions set out in the Wildlife and Countryside Act 1981 (as amended) any vegetation or site clearance works undertaken during the bird nesting season (1st March – 1st September) should only be undertaken once a breeding survey carried out during the nesting season by a suitably qualified person such as a professional ecologist has confirmed the absence of nesting birds and any Schedule 1 bird as set out by the Wildlife and Countryside Act 1981 (as amended). For more information: <a href="https://www.gov.uk/government/organisations/natural-england">https://www.gov.uk/government/organisations/natural-england</a>, and EBR LDO Habitat and Ecological Reports. Summary of evidence, mitigation and conditions required.</p>
INF 7	<p><b>Public Rights of Way:</b> No phase of development shall temporarily or permanently obstruct or alter any part of a public right of way (PRoW). The process for diverting a PRoW whether on a temporary or permanent basis follows a separate application process and advice from West Sussex County Council should be sought beforehand. For more information: <a href="https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-thecountryside/public-rights-of-way/">https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-thecountryside/public-rights-of-way/</a></p>
INF 8	<p><b>West Sussex Car Parking Standards:</b> Information on the Parking Standards to meet the discharge of condition 5 is set out in “Revised County Parking Standards and Transport Contributions Methodology, Supplementary Planning Guidance adopted by West Sussex County Council November 2003. <a href="http://www2.westsussex.gov.uk/cs/mis/041103ht2b.pdf">http://www2.westsussex.gov.uk/cs/mis/041103ht2b.pdf</a></p>
INF 9	<p><b>Listed Buildings:</b> All development within LDO Area 1 must have regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the setting of the Sefter Farmhouse and Sefter Granary Grade II listed building</p>

## Appendix D: LDO Design Guide



**Arun District Council**

# Planning & Economic Regeneration

## **Horticulture**

Draft Local Development Order – Design Guide

Statutory Consultation - February 2016



## 1 Introduction

### Purpose

- 1.1 Arun’s natural environment and landscape make significant contributions to the life and wellbeing of the resident population and to the District’s economy. Substantial development will need to be accommodated with the District in coming years, and the challenge for the Council and developers will be to ensure that impacts on the countryside and environment are minimised and the individual characters of the District’s towns and villages preserved.
- 1.2 The Council accepts that within the Horticultural Sector changing production methods and standards, relating for example to environmental performance and food hygiene, mean that many older buildings and structures need replacing with generally larger buildings and structures. The Council wishes to encourage modernisation and adaptation in the Horticultural Sector to meet changing demands, but requires that the new development be sensitive to the characteristics of the localities in which it is proposed.
- 1.3 Within horticulture there is increasing standardisation of design and use of materials in buildings. Despite this, the necessary degree of attention to detail to render development environmentally acceptable and compliant with the objectives of the Arun Horticultural LDO will, on occasions require relevant expertise from suitable professionals (e.g. lighting, noise, flooding, tree surveys etc.).

### Approach

- 1.4 The following guidance addresses some of the principles which are applicable generally to agricultural development, reflecting national standards and guidance, and specifically in the local context. The guidance is primarily concerned with siting and design issues, which are already matters relevant to the planning consideration of agricultural development, be it subject to full planning control or permitted development rights. To this extent the guidance does not go further or impose greater requirements than is already the case; guidance is included within the LDO to provide the necessary context for the compliance of proposed development with the objectives of the Order.
- 1.5 The guidance is not prescriptive and is intended to provide a flexible basis for developers to bring forward compliant and acceptable proposals. Nothing in the guidance seeks to compromise the effectiveness of the horticultural functions which individual developments are intended to serve. However, in the majority of circumstances the permitted development can be sited and designed so it is assimilated into the local environment without disproportionate cost. It is a primary development parameter of the LDO that all development that is reasonably necessary for the purposes of agriculture within the operational unit and is designed for those purposes is acceptable.
- 1.6 Applicants are strongly recommended to undertake pre-application consultations with the local planning authority to ensure that all of the required information is submitted to ensure that it can quickly be determined whether a development falls under the scope of the LDO.

- 1.7 Unless it is already exempted under the Building Regulations, development carried out under an LDO is not exempt from Building Control, and the Arun DC Building Control Service should be contacted on 01903 737756 or by emailing [bldg.con@arun.gov.uk](mailto:bldg.con@arun.gov.uk) regarding necessary approvals.
- 1.8 The Draft LDO comprises 10 areas, within which there 17 separate parcels of land. Plans and descriptions of these areas are described in the LDO.

## 2 Siting and Layout

2.1 The siting of development in and layout of the proposed LDOs is critical in ensuring that horticultural development will be acceptable. Proper arrangement of buildings is not only essential for the efficient operation of the horticultural enterprise, but also to ensure that the new development does not have an adverse impact on its setting. Further layout guidance which applies to all of the LDOs is provided below:

- on boundaries where no existing screening exists, all new buildings and glasshouses must be located a minimum of 10m from the edge of the LDO boundary to allow for the establishment of a suitable screening belt;
- to safeguard root protection areas, no development shall take place within 15m of any existing trees or hedgerows without the submission of a tree survey in accordance with BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations*;
- where an established and suitable screening belt exists, and subject to the results of the tree survey, no new development shall be located within 5m of the edge of the LDO boundary;
- where a permanent ditch or pond lies within 5m of any proposed development, measures shall be implemented during and after construction to protect the hydrological and habitat functions of the feature. No ditch shall be culverted as part of an LDO development.
- where a Public Right of Way passes through an LDO, there must be no development within 5m of its alignment as shown on the definitive map (with the exception of tracks, hardstandings and underground services). Any development which may have an impact on users of the Right of Way may would have to be accompanied by a suitable mitigation plan;
- in the absence of any established vegetative screening, service yards, staff car parks, refuse and storage areas shall be screened from viewpoints outside the LDO areas by buildings or soft landscaping;
- packhouses and loading areas should be located as far from sensitive receptors as possible, within the physical constraints of the LDO. All submissions for packhouses should be submitted with an appropriate noise assessment; and
- the layout of new development within the LDO areas should maintain the efficient flow of traffic into and out of the site to ensure continuing highway safety.

### 3 Building Design

#### Glasshouses

- 3.1 Glasshouses provide a protected environment that allows control over climatic conditions, pests and disease. The structures enable growers to produce sustainably, high-value crops.
- 3.2 Glasshouse design continually evolves; developments include increases in glasshouse size and the technology which they house. Increased automation and environmental control has led to intensified production. Glasshouses eaves heights have increased from 2m in the 1940s, to 4.5m to 5.8m in 2009, to 6-7m today.
- 3.3 Although the proposed LDOs are intended to retain and intensify horticultural production the following restrictions apply to new areas of glass:
- glasshouses shall not exceed a maximum height of 9.0m ;
  - glasshouses may be single or multiple span;
  - permitted materials shall be aluminium and glass;
  - anti-reflective glass should be considered;
  - where necessary, measures to mitigate light pollution shall installed and a light impact assessment submitted; and
  - opportunities for installing low-carbon technology such as LED lighting, thermal screens and similar technologies should be considered

#### Pack houses and storage buildings

- 3.4 These types of buildings are normally utilitarian in design, with their size and form reflecting the requirements of the building. Given the variety of uses of the different buildings within the LDO areas, it is not appropriate to impose an architectural style or design on proposals for these types of building. General guidance on the design of these buildings is provided below:
- buildings shall not exceed 2m above the height of existing adjacent structures, excluding chimneys, masts and aerials, up to a maximum of 9.5m in all cases;
  - the design of the buildings should be simple and appropriate to their proposed use;
  - in order to avoid adverse impacts on the wider landscape, materials used should reflect the nature and use of the buildings. The appearance of new buildings should be considered in relation to the background and building context;
  - any fenestration of the buildings should be appropriate for the proposed use;
  - opportunities for low and zero carbon technologies should be sought, including on-site energy generation;
  - opportunities that low carbon construction methods have been explored should be demonstrated; and
  - the use of green and brown roof systems should be considered.



## 4 Water Storage Reservoirs and Overall Water Management

4.1 Horticultural water storage reservoirs often have a combined use, in providing both flood attenuation of surface water arising from glasshouse roofs and other impermeable surfacing, as well as providing a secure water supply for the irrigation of crops. In terms of their design, the shape of the reservoirs is normally dictated by surrounding land use, with difficult corners and underused areas often being utilised. Other design details which should be considered include:

- Reservoirs must have an internal bank top area of less than 3,600m<sup>2</sup>;
- bank-top of water storage reservoirs should not be more than 2m above surrounding ground level;
- earth banked structures should have an internal and external bank gradient no greater than 1 in 2;
- earth banked structures should have a bank-top no less than 2m wide;
- the area of works, including surrounding ground works must be less than 1ha (including all groundworks);
- a suitable clay or dark-coloured plastic membrane (butyl/polypropylene) should be used;
- the design should consider ledges around the margins of the reservoirs and providing an undulating liner surface for wildlife refuges;
- excess soil must be used appropriately, ideally within the banks of the proposed reservoir;
- native landscaping and existing vegetation should be utilised; and
- any water storage areas should be appropriately fenced, with suitable floatation aids provided.

4.2 In terms of the wider water environment and flood attenuation, appropriate Sustainable Drainage Systems (SuDS) must be installed to reduce surface water run-off from all impermeable surfaces within proposed developments. Water harvesting from water run-off from new roof areas must be installed where reasonably practicable, with clear reasoning provided where it is not proposed. All surface water flood attenuation shall comply with the following:

- SuDS must be used to restrict the peak flow run-off rate from new impermeable surfaces to the equivalent greenfield runoff rate for the 1 in 100 year rainfall event, taking into account the effects of climate change;
- design should be cost-effective to operate and maintain over the construction life of the development, in order to reduce the risk of failure of the drainage function;
- design of the drainage system shall account for the likely changes in impermeable area over the design life of the development, where it is reasonably practicable to do so;

- culverting and crossing watercourses should be avoided where reasonably practicable to do so. Where new culverts and crossings are proposed their number and length should be kept to a minimum; and
- where practicable swales and infiltration trenches should be constructed alongside hardstanding areas and roadways in order to reduce reliance on piped systems.

4.3 Surface water run-off from potentially contaminated areas should be appropriately contained.

## 5 Access

5.1 The LDO does not include new, or alterations to existing, access to the public highway. Where new or improved access is associated with a proposal it will be the subject of a full planning application.

5.2 Service areas and associated hard-standings shall be sized to provide adequate parking for workers and space for movement of service and other vehicles. Facilities shall be provided for workers coming to work on foot or by bicycle.

## 6 Landscape

6.1 Due to their size and appearance, glasshouses have the potential to significantly impact on the surrounding landscape and visual receptors. In addition, the use of artificial lighting to extend the growing season can introduce other visible impacts. Other horticultural development such as pack houses can also significantly affect local landscape due to their size and artificial lighting of outdoor operational areas. A suitable landscaping scheme together with good design can mitigate these impacts to an acceptable level, helping to achieve a well-assimilated development. Only areas of landscaping which would significantly mitigate the visual and landscape impacts of a proposed development will be required for new/enhanced landscape planting or landscape management schemes. Appropriate landscaping should only be considered after a suitable site for the proposed development has been chosen (in line with general LDO development guidance and the relevant LDO zonal controls).

6.2 Proposed planting should take the following into consideration:

- existing mature tree belts and hedgerows should be retained, with existing vegetation incorporated into any soft landscaping proposals. Where appropriate, landscape management plans should be submitted and approved;
- any removal of existing trees and hedges will need to be adequately justified, with proposals supported by a suitable tree survey and planting compensation/mitigation scheme. Loss of ecologically important habitats may also require suitable ecological surveys to be provided;
- any planting should be naturalistic and include scrub planting to maximise biodiversity gain and provide wildlife corridors;
- existing hedgerows and boundaries should be reinforced;

- hard landscaping should only be proposed where suitably justified, with new forms designed, as far reasonably practicable, to appear natural. Hard landscaping areas should be combined with planting to maximise screening potential; and
- proposals for external and large scale internal lighting should be accompanied by a lighting scheme, which should consider practicable solutions to mitigating the impacts of lighting, including: hooded luminaires, downward facing glass and light sensors/timers etc.

6.3 Species to be included in all proposed landscaping schemes shall be drawn from the following lists:

**Specimen Trees and Woodland:**

6.4 Trees should be selected on the basis of location, function and space limitations.

<i>Acer campestre</i>	Field maple
<i>Betula pendula</i>	Silver Birch
<i>Carpinus betulus</i>	Hornbeam
<i>Malus sylvestris</i>	Crab Apple
<i>Prunus avium</i>	Wild Cherry
<i>Quercus robur</i>	European Oak
<i>Salix viminalis</i>	Osier
<i>Tilia cordata</i>	Small-Leaved Lime
<i>Alnus glutinosa</i>	Alder

**Hedgerows and Scrub Areas**

6.5 Planting in new hedgerows and scrub areas should comprise a mixture of the following species, all being native to the site and/or this part of Sussex:

<i>Acer campestre</i>	Field Maple
<i>Alnus glutinosa</i>	Alder
<i>Cornus sanguinea</i>	Dogwood
<i>Corylus avellana</i>	Hazel
<i>Crataegus monogyna</i>	Hawthorn
<i>Ilex aquifolium</i>	Holly
<i>Lonicera periclymenum</i>	Honeysuckle
<i>Prunus spinosa</i>	Blackthorn
<i>Rosa canina</i>	Dog Rose
<i>Salix caprea</i>	Goat Willow
<i>Salix cinerea</i>	Grey Willow

## Appendix E: Pre-Development Notification Form

## **1 Introduction.**

- 1.1 The encompassing objective of the LDO is to stimulate economic development through the introduction of a more certain planning process. It is anticipated that the certainty provided by the LDO will create an engaging atmosphere for private investment as well as facilitate employment, commercial prosperity and business expansion.
- 1.2 The horticultural development LDO and Design Code will create a permitted development framework which identifies a wide range of acceptable and well-designed development proposals. Information has been provided in the LDO and Design Code to ensure that both developers and investment platforms are aware in advance of the parameters and benchmark specifications which must be adhered to, for a confirmation of compliance certificate to be issued by the Local Planning Authority.
- 1.3 Where developers seek reassurance from the Council that proposals are in conformity with the LDO, then, an administrative process, using a pre-development notification form, is available. A fee will be charged by the Council to carry out this appraisal and applicants will receive a response within 28 days of a valid form being received and acknowledged.
- 1.4 Set out below are:
  - A summary of the requirements.
  - The pre-development notification form.

## 2 Summary of Requirements.

### The purpose of this form.

- 2.1 To confirm that development proposals are permitted under the provisions of the LDO, developers must give prior notification to the Local Planning Authority.
- 2.2 The pre-development notification process requires the completion of the Pre-development notification form and submission of the necessary information (listed on the form).
- 2.3 This form must be completed in full to notify Arun District Council (the council) of your intention to undertake development permitted under the terms of the Horticultural Development LDO (2015).
- 2.4 In assessing this form and the information provided herewith, the Council will determine whether or not the proposed development is permitted by the LDO. The Council will formally respond in writing to confirm compliance with the LDO. In the event that the proposed development is found not to be compliant with the LDO, development will not be permitted unless otherwise approved through the statutory planning application process or under the terms of the Town and Country Planning (General Permitted Development) Order 2015 or any successor legislation or order.
- 2.5 Please note that the Council's confirmation that development is permitted under the LDO in no way removes or restricts the requirement to comply with the planning conditions set out in the LDO and other relevant legislation, including Building Regulation consent. Developers may wish to consider the value of seeking to meet the discharge of conditions and other regulatory obligations concurrently with the pre-development notification of compliance procedure.
- 2.6 An electronic version of this form can be downloaded from the council's website: [www.arun.gov.uk](http://www.arun.gov.uk)

### Proposed plans

- 2.7 Together with this completed form, the following plans or drawings must be submitted with all pre-development notifications:
  - Site location plan (scale 1:1250 or 1:2500) – clearly identifying the development site by a red line.
  - Site Plan or Block Plan (scale 1:500 or 1:200) – for all proposals including buildings.
  - Other plans and drawings or information necessary to describe the subject of the application. (Example: tree survey, noise assessment, newt survey, bat survey – see Design Guide.
  - Existing and Proposed elevations (scale 1:50 or 1:100 or 1:200) – for all proposals including buildings with written dimensions.
  - Existing and Proposed Floor plans (scale 1:50 or 1:100 or 1:200) – for all proposals including buildings with written dimensions.

- Existing and proposed set finished floor and site levels (scale 1:50 or 1:100) with written dimensions.
- Parking provision plan (drawn at a scale of 1:500 or 1:200), where necessary.

2.8 All measurements must be gross internal area (GIA) measured in square metres.

### **Fee**

2.9 A fee is payable to Arun District Council or its successor in title for all pre-development notifications, including revised notifications. The fee will be set at £200.00 for each LDO pre-development notification of compliance application.

### **The Council's response**

2.10 On receipt of the duly made pre-development notification form and the requisite fee, the Council will acknowledge the notification in writing, and confirm that it is deemed valid and confirm the target date for issuing a formal response.

2.11 Within 28 days, the Council will write to the applicant or the nominated agent to confirm that either:

- The proposed development is permitted by the LDO subject to the approval of the relevant conditions.
- Further information is required to confirm compliance with the LDO.
- The proposed development is not compliant with the LDO and is therefore not permitted under the terms of the LDO.
- The Local Planning Authority has not determined that the proposed development is permitted or not permitted under the terms of the LDO.

2.12 Should the Council not respond in writing within the stated time period, the proposed development may proceed at the applicant's risk subject to the commencement of development requirements being met.

### **Commencement of development**

2.13 Please note that before the commencement of development, it is the responsibility of the applicant to ensure that all relevant conditions of the LDO are complied with, and discharged of, and that a Development Commencement Notice is submitted to the Council 10 working days before the development starts.

**Contact addresses**

- 2.14 This form and the required information must be sent in electronic format (CD or email) to the council at the followings address:

Arun District Council  
Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Tel: (01903) 737 500  
Fax: (01903) 723 936  
DX: 57406 Littlehampton

Email: [planning@arun.gov.uk](mailto:planning@arun.gov.uk)

**All information must be submitted electronically in PDF format**

**File size must not exceed [10MB]**



## Horticultural Development: Local Development Order (LDO) 2016

## Pre-development notification for confirmation of compliance Application Form

<b>1. <u>Applicant Name, Address and Contact Details</u></b>	
Name of Contact	
Company Name	
Address:	
Town:	
Postcode:	
Landline:	
Mobile:	
E-mail address:	

<b>2. <u>Agent Name, Address and Contact Details</u></b>	
Name of Contact	
Company Name	
Address:	
Town:	
Postcode:	
Landline:	
Mobile:	
E-mail address:	

<b>3. <u>Site Address and Postcode (if different from applicant details)</u></b>					
House No:		Suffix:		House Name:	
Street Address:					
Town / City:					
County:					
Postcode:					
Description of location or grid reference (must be completed if postcode is not known):					
Easting:					
Northing:					

<b>4. <u>Description of the Proposal</u></b>

<b>5. <u>Summary of compliance with the Arun LDO and Design Guide</u></b>

<b>6. <u>Total Site Area</u></b>	
Please state the site area in hectares (ha)	

<b>7. <u>Existing Floor Space and Jobs (if applicable)</u></b>		
Use Class / Type of Use (if applicable)	Total existing gross external floor space in square metres (if applicable)	Existing employees (if applicable)
Glasshouse		
Packhouse		
B8 Storage		
Reservoir		
Other (please specify)		
<b>Total</b>		

<b>8. <u>Proposed Floor Space and Jobs</u></b>		
<b>Use Class / Type of Use (if applicable)</b>	<b>Total proposed gross external floor space in square metres (if applicable)</b>	<b>Proposed employees (if applicable)</b>
<b>Glasshouse</b>		
<b>Packhouse</b>		
<b>B8 Storage</b>		
<b>Reservoir</b>		
<b>Other (please specify)</b>		
<b>Total</b>		
Note – Applicants are advised to check the Horticultural Development LDO 2015 to confirm the uses permitted within the application area.		

<b>9. <u>Industrial or Commercial Processes and Machinery</u></b>
<p>Please describe the activities and process which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:</p>

<b>10. Vehicle, Pedestrian Access, Road and Rights of Way</b>		
Is a new or altered pedestrian access proposed to or from an existing public highway?	Yes	No
Are any new roads to be provided within the site to which the public will have access?	Yes	No
Are there any existing public rights of way within or adjacent to the site?	Yes	No
Do the proposals require any diversion/enhancement of an existing right of way?	Yes	No
If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan(s)/drawing(s) in Question 13.		

<b>11. Vehicle Parking</b>	
<b>Please provide the proposed number of on-site parking space:</b>	
Type of Vehicle	Total Spaces Proposed
<b>Cars</b>	
<b>Disabled spaces</b>	
<b>Vans / Light goods vehicles</b>	
<b>Heavy goods vehicles</b>	
<b>Cycle spaces</b>	
<b>Motorcycles</b>	
Note – Parking standards for the LDO area are set out in Revised County Parking Standards and Transport Contributions Methodology, Supplementary Planning Guidance adopted by West Sussex County Council November 2003. ( <a href="http://www2.westsussex.gov.uk/cs/mis/041103ht2b.pdf">http://www2.westsussex.gov.uk/cs/mis/041103ht2b.pdf</a> )	

<b>12. Relevant Supporting Information and Plans</b>	Tick
All of the following supporting information and plans must be submitted with this application form at the required scale:	
a. Site location plan (scale 1:1250 or 1:2500) – clearly identifying the development site by a red line and includes other land owned by the Applicant in blue.	
b. Site Plan or Block Plan (scale 1:500 or 1:200) – for all proposals including buildings	
c. Other plans and drawings or information necessary to describe the subject of the application.	
d. Existing and Proposed elevations (scale 1:50 or 1:100 or 1:200) for all proposals including buildings with written dimensions.	
e. Existing and Proposed Floor Plans (scale 1:50 or 1:100 or 1:200) for all proposals including buildings with written dimensions.	
f. Existing and proposed site sections and finished door and site levels (scale 1:50 or 1:100) with written dimensions.	
g. Parking provision plan (drawn at a scale of 1:500 or 1:200), where necessary	

<b>13. Details or proposed vehicle and non-vehicle access (with reference to drawings)</b>

<b>14. Details of the proposed development, with reference to the LDO Design Guidance (please note, refer to relevant drawing numbers where appropriate).</b>
<b>Roof Materials</b>
<b>Wall Materials</b>
<b>Window and Door Materials</b>
<b>Hard and Soft Landscaping Materials</b>
<b>15. Estimated date that the development will commence.</b>

<b>16. Landowners Consent</b>		
The landowners consent must have been sought prior to submitting a scheme. Please provide details below:		
<b>Name of Owner</b>		
<b>Address:</b>		
<b>Date Notice Served to Owner:</b>		
<b>Signed – Applicant:</b>	<b>Signed – Agent:</b>	<b>Date (DD/MM/YYYY)</b>

<b>17. Agricultural Land Declaration</b>		
You must complete either A or B.		
A – None of the land to which the application relates is, or is part of, an agricultural holding.		
Signed – Applicant	Signed – Agent	Date (DD/MM/YYYY)
B – I have/the Applicant has given the requisite notice to every person other than myself/the Applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:		
<u>Name of Tenant:</u>	<u>Address:</u>	<u>Date Notice Served:</u>
i.		
ii.		
iii.		
iv.		
v.		
vi.		
vii.		
Signed – Applicant	Signed – Agent	Date (DD/MM/YYYY)



<b>18. Declaration</b>		
<p>The applicant hereby gives notice to Arun District Council of the proposal to develop land within the Horticultural Development LDO area in accordance with the submitted details. The applicant confirms that, if it is confirmed by the council to be permitted development, the development will proceed in accordance with the submitted details, and only following approval of all details reserved by condition. The applicant confirms that a Commencement of Development Notice will be sent to the council prior to the approved works starting. The applicant understands that the council must be notified of any material variation from the submitted details, which may require a re-assessment of compliance with the LDO.</p>		
Signed – Applicant:	Signed – Agent:	Date (DD/MM/YYYY)

## Appendix F: Notice of Intention to Start Development Form

## 1 Notice of intention to start development

- 1.1 Prior to commencing intended development which is permitted by the LDO, notice in writing must be given to Arun District Council (the council) within 5 working days of the proposed starting date. Prior notification of the intention to start development is required to assist the council in monitoring development activity within the LDO area.
- 1.2 Notice is given by completing this form and submitting it to the council at the following address:

Arun District Council  
Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Tel: (01903) 737 500  
Fax: (01903) 723 936  
DX: 57406 Littlehampton

Email: [planning@arun.gov.uk](mailto:planning@arun.gov.uk)

**Notice of intention to start development**

<b>1. <u>LDO reference (a)</u></b>	
<b>2. <u>Site Address</u></b>	
<b>3. <u>Applicant</u></b>	
<b>4. <u>Description of development (b)</u></b>	
<b>5. <u>If the development will be erected in phases, please provide details below</u></b>	
<b>6. <u>Contact details of lead contractor/site manager</u></b>	
Address:	
Telephone:	
Email:	
<b>7. <u>Proposed date works will start on site (DD/MM/YYYY) (c)</u></b>	

<b>8. Declaration</b>	
The applicant hereby gives confirmation of the intention to start the permitted development and confirms that all relevant LDO pre-commencement requirements and planning conditions have been approved by the council. Site works will not commence until 10 working days from the date of this notification. (d)	
Signed Applicant	Signed Agent
Date: (DD/MM/YYYY)	Date: (DD/MM/YYYY)

Notes:

- a. This is the pre-development notification reference provided by the council in response to when an application has been made.
- b. Please use the description of development provided on the pre-development notification form where an application has been made.
- c. This date must be a minimum of 10 working days post-submission of this form.
- d. Supporting evidence must be submitted on request if the pre-development notification procedure has not been followed.